

S. C. R. No. 82, Suspending Joint Rules to consider H. B. No. 9 and H. J. R. No. 30 at any time.

Be it Resolved by the Senate, the House of Representatives concurring, that Joint Rule No. 9 be suspended in order that the Senate may consider House Bill No. 9 and H. J. R. No. 30 at any time.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Welcome Resolutions

S. R. No. 541—By Senator Baker: Extending welcome to the young members of Park Memorial Baptist Church of Houston and sponsors.

S. R. No. 546—By Senator Creighton: Extending welcome to students, teachers and sponsors of Eula High School of Callahan County.

S. R. No. 547—By Senator Martin: Extending welcome to students of Red Oak High School and teachers.

S. R. No. 548—By Senator Gonzalez: Extending welcome to members of House of Neighborly Service of Bexar County.

S. R. 549—By Senator Moore: Extending welcome to students and teachers of Collidge School of Lime-stone County.

S. R. No. 550—By Senator Schwartz: Extending welcome to Mr. Leo Sun-sen.

S. R. No. 551—By Senator Secrest: Extending welcome to students and teachers of Rockdale High School.

Memorial Resolution

S. R. No. 543—By Senator Smith: Memorial resolution for Forrest Weimhold.

Adjournment

On motion of Senator Hardeman the Senate at 5:34 o'clock p.m. ad-journed until 10:30 o'clock a.m. on Monday, May 29, 1961.

Record of Vote

Senator Patman asked to be re-corded "Nay" on the motion to ad-journ.

SEVENTY-FIFTH DAY

(Monday, May 29, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the fol-lowing Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Rathiff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chap-lain, offered the invocation as follows:

"O God, our Father, as the curtain closes on this chapter of our steward-ship in these momentous days, now unto Thy holy keeping we commit ourselves and all that has been said and done in this place. May the Lord bless us and keep us; may the Lord make His face to shine upon us and give us peace in all our hearts and homes. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 27, 1961, was dis-pensed with and the Journal approved.

Senate Concurrent Resolution 83

Senator Martin offered the follow-ing resolution:

S. C. R. No. 83, Suspending Joint Rules to permit House to consider S. B. No. 401 at any time.

Be it Resolved, By the Senate of the State of Texas, with the House of Representatives concurring, that the joint rules be suspended in order that the House may take up and consider Senate Bill 401 at any time.

The resolution was read.

On motion of Senator Martin and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 84

Senator Lane offered the following resolution:

S. C. R. No. 84, Suspending Joint Rules to consider S. B. No. 143 at any time.

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the joint rules of both Houses be suspended and they are hereby suspended to allow the House and the Senate to take up Senate Bill No. 143 at any time.

The resolution was read.

On motion of Senator Lane and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 85

Senator Aikin offered the following resolution:

S. C. R. No. 85, Expressing appreciation to Mr. Walter E. Long and the staff of the Texas Legislative Service.

Whereas, During this, the Regular Session of the Fifty-seventh Legislature, the Texas Legislative Service has presented to each Member several copies of the roster of the Members of the Texas Legislature, including photographs of the members, districts and counties represented, desk numbers and the seating arrangement of the Members; and

Whereas, The House Correspondents, Mr. Russell H. Fish and Mr. John McCurdy, and the Senate correspondent, Mr. Louis Wilkerson, and the office staff workers, Mrs. Herman Porsch and Mrs. Irma Graham, who have served in these capacities for many years, were of unlimited assistance to the Members of both Houses of the Legislature during past Sessions of the Legislature and have courteously continued this service and assistance during this, the Fifty-seventh Session; and

Whereas, In addition to the gift of these rosters, the Texas Legislative Service placed on the desk of each Member each morning a copy of its

daily report, giving in a condensed form a resume of the activities in each House for the previous day, including a brief summary of each bill introduced, committee reports, bills passed, and other actions in the House and Senate; and

Whereas, These daily reports and the roster are of great value and benefit to the Members and are furnished at no cost to the Members or the State of Texas; therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That this be our expression to Mr. Walter E. Long and to all the staff of the Texas Legislative Service, of our sincere gratitude and thanks for this worth-while service given us during the past thirty-six years.

AIKIN
HARDEMAN

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 81, Recalling Senate Bill No. 255 for correction and re-enrolling from the Governor's desk.

S. B. No. 146, Amend Article 2324, Revised Civil Statutes of Texas, 1925, as amended; providing the powers and duties of Official Court Reporters and fixing fees to be paid official Court Reporters; making other provisions relating thereto; prescribing penalties for overcharges; providing severability clause; and declaring an emergency.

The House refused to concur in Senate amendments to House Bill No. 568 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House appointed the following conferees: Kilpatrick, Chairman, Harrington, Haynes, Lack, Smith of Jefferson.

The House refused to concur in Senate amendments to House Bill No. 1036 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House appointed the following conferees: Stewart of Galveston, Chairman, Barlow, Kennard, Caldwell, Koriath.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 224. House has appointed the following conferees: Preston, Chairman, Hale, Murray, Price, Rapp.

S. B. No. 51, A bill to be entitled "An Act to provide for the allocation of professional units to districts reporting increases on the basis of current average daily attendance; providing a repealing and severability clause; and declaring an emergency."

(With amendment.)

S. B. No. 400, A bill to be entitled "An Act regulating the grading and classification of rose plants, cuttings and bushes; fixing the responsibility of the Commissioner of Agriculture; providing for establishing rules, regulations, orders and requirements; providing for a fee for services; providing a penalty; a savings clause and declaring an emergency."

(With amendment.)

S. C. R. No. 74, Granting permission to Central Power and Light Company to sue the State of Texas.

(With amendment.)

The House has concurred in Senate amendments to House Bill No. 840 by vote of non-record.

The House has adopted the Conference Committee Report of Senate Bill No. 162 by a vote of 122 ayes, 2 noes.

S. C. R. No. 59, Providing for an interim joint committee to study all matters pertaining to the development and use of the bays and inlets of the State of Texas. (With amendments.)

S. B. No. 192, A bill to be entitled "An Act to provide county wide elections in order for the majority of the electorate in certain counties to abolish the office of County Superintendent; providing if an office is abolished the County Judge shall perform the

duties thereof; and declaring an emergency."

(With amendments.)

S. B. No. 300, A bill to be entitled "An Act amending Article 5221b-9(e), Revised Civil Statutes of Texas, 1925, as amended, by providing for certain information to be furnished at actual cost but not less than a minimum fee and for the disposition of such fees; and declaring an emergency."

(With amendment.)

S. B. No. 116, A bill to be entitled "An Act to adopt and establish general statutory provisions and a definition applicable to real estate investment trusts; to provide for the formation and operation of a real estate investment trust; to provide for powers, duties, authorizations, liabilities and responsibilities of real estate investment trusts and their trust manager(s), officers and shareholders; to provide a manner for service of process on a real estate investment trust; provide for the payment and transfer of shares and the powers, duties and liabilities of shareholders; to provide for shareholders' meetings and the conduct thereof; to provide the termination and liquidation of real estate investment trusts; providing the Antitrust Laws of Texas shall not be affected under the provisions of this Act; containing a saving clause; and declaring an emergency."

(With amendments.)

S. B. No. 188, A bill to be entitled "An Act relating to issuance and enforcement of 'Permits to Dispense Performing Rights Under Blanket License' for certain copyrighted musical or dramatico-musical compositions; amending Sections 1, 3, 4, 5, and 8 of Chapter 307, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

(With amendment.)

The House refused to concur in Senate amendments to House Bill No. 1004 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following Conferees: Gladden, Chairman; Cowen, Green, Kennard, Richardson.

The House has concurred in Senate

amendments to House Bill No. 829 by vote of 115 ayes, 24 noes.

S. C. R. No. 79, Granting the House of Representatives permission to suspend all Joint Rules to take up and consider Senate Bill No. 206 at any time.

Motion to reconsider vote by which House refused to concur, and now, the House has concurred in Senate amendments to House Bill No. 1004 by vote of 131 ayes, 7 noes and 1 present not voting.

S. C. R. No. 78, Recalling from Governor's office House Bill No. 1095, a local game bill affecting only Wood, Upshur and Smith Counties, Texas, because of errors in the bill.

S. C. R. No. 82, Suspending Joint Rule No. 9 in order that the Senate may consider H. B. No. 9 and H. J. R. No. 30 at any time.

The House has adopted the Conference Committee Report on Senate Bill No. 385 by a non-record vote.

The House has adopted the Conference Committee Report on Senate Bill No. 224 by a non-record vote.

The House refused to concur in Senate amendments to House Bill No. 753 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House appointed following Conferees: Shipley, Chairman; Barlow, Atwell, Kilpatrick, Pieratt.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 53, A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), by extending the exemption from registration of farm trailers and farm semi-trailers to include trailers and

semi-trailers owned by cotton gins and grain elevators and used solely for supplying, without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; by increasing the gross weight of exempt farm trailers and farm semi-trailers to twelve thousand (12,000) pounds; and by defining the term 'gross weight'; repealing conflicting laws; and declaring an emergency."

S. B. No. 76, A bill to be entitled "An Act amending Sections 1, 3, 4, and 6, deleting Section 7, changing the number of Section 8, deleting Sections 9, 10, 11, 12, of House Bill 309, Chapter 344, Acts of the Forty-ninth Legislature, Regular Session, 1945, defining certain terms, and further amending said Act by adding additional sections designated as Sections 8 through 14 inclusive; providing for the enabling of the Commission to establish and enforce rules and regulations, conduct investigations and hearings; providing for technical assistance to municipalities and others; providing for aeronautical education of airmen and others; providing for penalties and judicial review; establishing the Texas Applicators Pest Control Council; etc.; and declaring an emergency."

S. B. No. 249, A bill to be entitled "An Act making unlawful the stealing of any dog; making such offense a felony and prescribing punishment therefor; and declaring an emergency."

S. B. No. 294, A bill to be entitled "An Act relating to Tarrant County Water Control and Improvement District No. 1; authorizing the district to purchase, construct, improve and repair works and facilities necessary for transportation, treatment and disposal of sewage and industrial waste and effluent, and to issue bonds for such purposes, and to make contracts with cities and others under which the district will transport, treat and dispose of sewage from such cities, and contracts for the use of city-owned sewage transportation, treatment and disposal facilities; providing for the security and payment of the bonds, and providing that Chapter 268, Acts of the Fifty-fifth Legislature shall be applicable to bonds issued under

this Act; etc.; and declaring an emergency."

S. B. No. 318, A bill to be entitled "An Act to provide for more effective merger and consolidation of insurance companies, by revising and amending Articles 21.25 and 21.26, Chapter 21, of the Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491), as amended. providing for the consolidation of two or more insurance companies engaged in the same line of business; to regulate the manner, procedure, and method of such consolidation, merger; repealing all conflicting laws or parts of laws to the extent of such conflict; and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act to create the Castleman Creek Watershed Association as a conservation and reclamation district in McLennan County under the provisions of Article XVI, Section 59 of the Constitution of Texas; etc.; and declaring an emergency."

S. B. No. 450, A bill to be entitled "An Act amending Article 174 of the Revised Civil Statutes of Texas, 1925, relating to the ownership of land in Texas by corporations; repealing laws in conflict; containing a savings clause; and declaring an emergency."

S. B. No. 452, A bill to be entitled "An Act amending Art. 6243h, R.C.S. of Texas, 1925, as amended, by allowing the cumulation of credits for 'creditable service' of an employee employed by two or more participating departments, if certain conditions are met; by providing for the retroactive application of this Act in favor of all persons eligible for benefits under the provisions hereof from and after January 1, 1959; and declaring an emergency."

S. C. R. No. 57, Granting Harold E. Kounovski permission to sue the State of Texas.

S. C. R. No. 73, Suspending Joint Rules to consider S. B. No. 132 at any time.

S. C. R. No. 77, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 433.

S. C. R. No. 76, Recalling S. C. R. No. 60 from Governor's office for corrections.

S. J. R. No. 9, Proposing an Amendment to the Constitution of the State of Texas, amending Sections 51a, Subsections 51a-1 and Section 51-b of Article III so that the same shall consist of one Section to be known as Section 51-a; providing that the Legislature shall have the power to provide assistance to and provide for the payment of same to citizens of Texas who are needy aged persons over the age of sixty-five (65) years, needy blind persons over the age of twenty-one (21) years, needy children under the age of sixteen (16) years and needy persons who are more than eighteen (18) years of age and less than sixty-five (65) years of age who are permanently and totally disabled; providing for direct or vendor payments for medical care on behalf of such recipients; providing for the acceptance of financial aid from the Government of the United States; etc.; and declaring an emergency."

S. J. R. No. 22, Proposing an amendment to Article 9 of the Constitution of the State of Texas, by adding a new section thereto to be known and described as Section 6, providing that the Legislature may authorize the creation of a hospital district co-extensive with the limits of Ochiltree County, Texas, authorizing the levying and rates of taxes; providing for the acquisition of land and properties for hospital uses, as well as the maintenance and operation of the same; and authorizing the issuance of tax bonds for the purpose of the purchase, construction, acquisition, repair, or renovation of improvements; and further providing that any enabling acts shall not be invalid because of their anticipatory character.

S. J. R. No. 13, Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new Section to be known as Section 62 and which shall empower the Legislature to provide for the temporary succession to public offices and to adopt such other measures as may be necessary and proper for so insuring the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from the imminent threat of such disasters; providing for the proclamation and publication of this proposed amendment by the Governor.

Senate Bill 188 with House Amendments

Senator Krueger called S. B. No. 188 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House Amendments before the Senate, and the House amendments were read.

Senator Krueger moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Joint Resolution 7 with House Amendments

Senator Willis called S. J. R. No. 7 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

Senator Parkhouse moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Willis, Parkhouse, Martin, Hardeman and Moffett.

Conference Committee on House Bill 568

Senator Fuller called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 568 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, The President announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Fuller,

Baker, Parkhouse, Reagan and Gonzalez.

Conference Committee Report on Senate Bill 385

Senator Baker submitted the following Conference Committee Report on S. B. No. 385:

Austin, Texas,
May 26, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 385, have met and had some under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BAKER
HARDEMAN
LANE
MARTIN
DIES

On the part of the Senate.

COLE of Harris
JARVIS
KILPATRICK
MOORE
GLASS

On the part of the House.

S. B. No. 385,

**A BILL
To Be Entitled**

An Act to amend Article 5924 of the Revised Civil Statutes of Texas, 1925, also codified as Article 5924 Vernon's Annotated Civil Statutes of Texas: this amendment provides that the certificate required to transact business in the State of Texas under an assumed name, which certificate has to be filed in the office of the county clerk, shall be effective for a period of not to exceed ten years, at which time it shall automatically terminate unless the certificate is renewed; providing for the termination of all certificates now on file in the county clerk's office as of December 31, 1962; repealing all laws in conflict; providing for severability and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 5924, Revised Civil

Statutes of Texas, 1925, also codified as Article 5924 Vernon's Annotated Civil Statutes of Texas, is hereby amended by adding thereto a new section to be identified as Article 5924(a) to read as follows:

"Article 5924(a)—The certificate required by the provisions of Article 5924, Revised Civil Statutes of Texas, 1925, to be filed in the office of the county clerk by each and every person conducting business in the State of Texas under an assumed name shall be effective for a period of not to exceed ten years from the date said certificate is filed in the office of a county clerk. At the end of said ten years said certificate shall become null and void and of no effect, unless prior to said expiration a new certificate shall be filed in the office of the county clerk renewing said certificate for an additional period of not to exceed ten years.

"Section 2. All of said certificates on file in the offices of county clerks which have heretofore been filed in accordance with Article 5924, shall terminate and become null and void and of no effect on and after December 31, 1962, provided, however, that said certificates now on file in the records in the county clerk's office may be extended for an additional period of not to exceed ten years by the filing of a new certificate on or before December 31, 1962; and provided further that each of the businesses now being conducted under an assumed name in any county in which said business has had a certificate filed and recorded in the office of the county clerk in accordance with said Article 5924, shall be notified in writing by the county clerk of each county of the provisions of this law, terminating their present certificate as of December 31, 1962, unless a new certificate is filed; and such written notice shall be effective by being deposited in a United States Post Office addressed to the name of the business at the address given in the certificate."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to the provisions of Article 5924, Revised Civil Statutes of Texas, 1925.

Section 3. If any provision or provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall

not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The fact that the records of county clerks have become cluttered with thousands of certificates of businesses which are no longer in existence and the volume of which causes great inconvenience to the public in searching the records creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage; and it is so enacted.

The report was read and was adopted.

Conference Committee Report on Senate Bill 210

Senator Martin submitted the following Conference Committee Report on S. B. No. 210:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 210, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

MARTIN
AIKIN
KAZEN
ROBERTS
MOFFETT

On the part of the Senate.

CANNON
WHEATLEY
FLETCHER
SMITH of Bexar
WELLS

On the part of the House.

S. B. No. 210,

A BILL
To Be Entitled

An Act amending Section 8, House Bill 169, Chapter 427, Acts of the

55th Legislature, Regular Session, 1957, providing for contracts in the conduct of research; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 8, House Bill 169, Chapter 427, Acts of the Regular Session of the 55th Legislature, 1957, be and the same is hereby amended so as to hereafter read as follows:

CONTRACTS

"Sec. 8. In conducting the research authorized by this Act, the Board shall make such contracts as it deems necessary to carry out such research. These contracts may be made with Jefferson Davis Hospital, operated jointly by the City of Houston and the County of Harris, and such other agencies as are necessary for research purposes; provided, however, the Board shall not be authorized to make a contract which will expire later than August 31, 1964."

Section 2. The fact that there are no provisions for making contracts for the conduct of research by the Board for Texas State Hospitals and Special Schools with private and public agencies creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

(Senator Aikin in the Chair.)

Senate Bill 400 with House Amendments

Senator Calhoun called S. B. No. 400 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Calhoun moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—19

Aikin	Moore
Baker	Parkhouse
Calhoun	Ratliff
Creighton	Reagan
Dies	Rogers
Hardeman	Schwartz
Hudson	Secrest
Kazen	Smith
Lane	Willis
Moffett	

Nays—8

Colson	Martin
Gonzalez	Owen
Herring	Patman
Krueger	Weinert

Absent

Crump	Hazlewood
Fuller	Roberts

House Concurrent Resolution 110 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 110, Requesting Texas Legislative Council to study payment of claims of health, accident and hospitalization insurance.

The resolution was read and was adopted.

Report of Standing Committee

Senator Ratliff submitted the following report:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to whom was referred H. B. No. 691, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 691 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. B. No. 691 was ordered not printed.

**Adoption of Conference Committee
Report on House Bill 119**

Senator Moore moved that the Conference Committee Report of H. B. No. 119 be adopted. (The report having been printed in the Senate Journal on Friday, May 5, 1961.)

The report was adopted by the following vote:

Yeas—20

Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Herring	Schwartz
Hudson	Secrest
Krueger	Willis

Nays—4

Aikin	Lane
Hardeman	Weinert

Absent

Fuller	Moffett
Hazlewood	Rogers
Kazen	Smith
Martin	

**Senate Bill 116 with House
Amendments**

Senator Baker called S. B. No. 116 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate concur in the House amendments.

The motion prevailed.

(President in the Chair.)

**Senate Concurrent Resolution 74 with
House Amendments**

Senator Reagan called S. C. R. No. 74 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 557

(Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: At a caucus held on May 29, 1961, and attended by 29 members of the Senate, the following recommendations were made, to-wit:

BE IT RESOLVED BY THE SENATE,

That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz.:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services he shall receive the same per diem (\$550.00 per month) which he now receives, and in addition thereto he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Secretary of the Senate and shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$14.00 per day.

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session and shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the Fifty-seventh Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the members of the Senate.

The Warrant Clerk shall be retained for a period of 28 days at a salary of \$14.00 per day.

The Calendar Clerk shall be retained for 22 days at a salary of \$14.00 per day.

The Journal Clerk, Mrs. Minnie Meier, shall be retained for a period of 360 days at \$15.00 per day, and Mrs. Olga Schneider, Assistant Journal Clerk, shall be retained for 360 days at \$13.00 per day.

The Sergeant-at-Arms, John Dorman, shall be retained for the ad-interim at the same pay he now receives, plus \$50.00 per month, and 2 assistants for 15 days at \$12.00 per day. The Lieutenant Governor may employ or retain at \$7.00 per day as many porters as may be necessary and a head porter at \$12.00 per day.

The Enrolling and Engrossing Clerk shall be retained 21 days at \$19.00 per day, and 5 assistants to assist her shall be retained for 21 days at \$11.00 per day, and 1 assistant for 21 days at \$14.00 per day.

The private secretary of each Senator may be retained for 14 days at \$14.00 per day, and 16 days at \$10.00 per day, to perform such duties as may be required of them.

The Postmistress shall be retained 6 days at \$14.00 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators.

The Mailing Clerk of the Senate shall be retained for 15 days at \$14.00 per day and 1 assistant for 15 days at \$13.00 per day, and 1 assistant for 5 days at \$11.00 per day and one assistant at \$12.00 per day for 6 days.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Regular Session of the Fifty-seventh Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to

perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$11.00 per day.

Resolved, That there shall be printed 325 volumes of the Senate Journal of the Regular Session of the Fifty-seventh Legislature, and when completed, 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate and House of Representatives, to the Lieutenant Governor, and 75 paper bound copies shall be furnished to the State Library. The printing of such Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Fifty-seventh Legislature; and, be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Fifty-seventh Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$7.00 per day; and be it further

Resolved, That the Lieutenant Governor and the Chairman of the Sen-

ate Committee on Contingent Expense shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and be it further

Resolved, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Contingent Expense, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be reimbursed from the Contingent Expense Fund; and be it further

Resolved, That the Lieutenant Governor is authorized to appoint a clerk during the ad-interim to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$8.00 per day in an office to be assigned; and be it further

Resolved, That the Lieutenant Governor is authorized to appoint Rev. W. H. Townsend, Senate Chaplain, during the ad-interim as an assistant to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$11.00 per day.

The Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate.

Respectfully submitted,
WEINERT,
Chairman of the Caucus.
AIKIN
Secretary of the Caucus.

The report was read and was unanimously adopted.

Election of President Pro Tempore Ad Interim for the Regular Session of the Fifty-seventh Legislature

The President announced the election of the President Pro Tempore Ad Interim as the next order of business.

Senator Moffett nominated Senator David W. Ratliff of Jones County as President Pro Tempore Ad Interim of the Regular Session of the Fifty-seventh Legislature.

Senators Parkhouse, Owen, Roberts, Hardeman, Aikin, Lane, Hudson, Reagan, Krueger, and Smith seconded the nomination of Senator Ratliff as President Pro Tempore Ad Interim of the Regular Session of the Fifty-seventh Legislature.

There being no further nominations, the President appointed Senators Hardeman and Aikin as tellers to take up and count the ballots.

The ballots were taken up and counted and the President announced that Senator Ratliff had received 30 votes with one present and not voting for President Pro Tempore Ad Interim of the Regular Session of the Fifty-seventh Legislature and declared him duly elected.

Senators Moffett, Owen and Roberts were appointed to escort Senator Ratliff and Mrs. Ratliff to the President's Rostrum. The President administered the Constitutional Oath of Office as President Pro Tempore Ad Interim of the Regular Session of the Fifty-seventh Legislature to Senator Ratliff.

The President then presented Senator Ratliff to the Senate as their President Pro Tempore Ad Interim.

President Pro Tempore Ratliff addressed the Senate, stating that he was deeply moved by the sentiments expressed and the great honor bestowed upon him and his family.

The President Pro Tempore then presented Mrs. Ratliff, his daughters Lynnora and Janie, his son John and Mr. Gladish, the father of Mrs. Ratliff to the Members of the Senate and stated he was sorry his son and his family could not be present for this happy occasion for the Ratliff family.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following bills and resolutions:

H. C. R. No. 2, Memorializing Congress as to the adoption of House Joint Resolution No. 2, 81st Congress, First Session, known as the Gossett-Lodge Amendment to the United States Constitution.

H. C. R. No. 94, Granting permis-

sion to Mr. C. Roy Davis, Mabel Lipscombe and husband, S. W. Lipscombe, Nell DeLodder and husband, George DeLodder, and Doris McLoy, a feme sole, to sue the State of Texas.

H. C. R. No. 109, Granting permission to Continental Fidelity Investment Company to sue the State of Texas.

H. C. R. No. 132, Suspending the Joint Rules so that either House may take up Senate Bill No. 370 at any time.

H. C. R. No. 35, Granting permission to William Wendell Carroll to sue the State of Texas and the Teacher Retirement System of Texas.

H. C. R. No. 67, Granting permission to Raymond Renfro and Stella Renfro to sue the State of Texas and the State Highway Department.

H. C. R. No. 79, Granting W. S. Whitmire permission to sue the State of Texas and the Veterans Land Board.

H. B. No. 120, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees in certain fields during their junior and senior years, and to award degrees in such fields; providing that funds heretofore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; requiring an election to authorize the exercise of the powers herein granted; containing a savings clause; and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act validating Calhoun County Drainage District No. 11 (eleven) and declaring the same to be converted into a validly existing Conservation and Reclamation District under authority of Section 59, Article XVI, Constitution of Texas; providing said District shall be considered to be organized and existing for the sole purpose of reclamation and drainage of its overflowed lands and other lands needing drainage; providing that to accomplish these purposes the District shall have all of the rights powers, privileges and duties conferred or imposed by General Law of Texas, as now in force or hereafter enacted, applicable to Districts created under the authority of Section

59, Article XVI, Constitution of Texas, as provided by Chapter 3A, Title 128, Articles 7880-1 et seq. Vernon's Civil Statutes of Texas, in as far as the same apply; etc.; and declaring an emergency."

H. B. No. 731, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Wood County, Texas; describing the manner of sale and disposition of proceeds; and declaring an emergency."

H. B. No. 733, A bill to be entitled "An Act amending Article 901, Vernon's Texas Penal Code, so as to permit certain incapacitated persons to hunt from vehicles upon certain conditions; and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act amending Section 3 of Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, to provide that owners of certain types of commercial motor vehicles used exclusively by incorporated nonprofit disaster relief organizations and are used solely for emergencies shall be required to register such vehicles but shall not be required to pay registration fees; providing procedures to be followed by the owners of such vehicles; and declaring an emergency."

H. B. No. 1094, A bill to be entitled "An Act relating to the terms of office of school trustees in certain school districts; choosing terms by lots; providing for subsequent elections and filling vacancies; providing that provisions of this Act shall be cumulative; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act amending Subsection 1(b) of Section 8, Chapter 42, General Laws, Second Called Session, Forty-first Legislature, 1929, as amended, to provide that motor vehicles engaged in transporting passengers for compensation or hire and any commercial vehicle in authorized use as a 'Highway Post Office' vehicle shall observe the same speed limits as those prescribed for all vehicles except commercial vehicles, trucks, tractors, trailers or semi-trailers; and declaring an emergency."

H. B. No. 1067, A bill to be entitled "An Act relating to the appointment by the court of interpreters for any

person who is deaf or a deaf mute in criminal prosecutions and causes in which such person may be committed to a mental institution; and declaring an emergency."

H. B. No. 1050, A bill to be entitled "An Act providing that in the Forty-seventh Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Twelve Thousand Dollars (\$12,000), and the maximum salary of the Assistants shall not exceed Ten Thousand Dollars (\$10,000) for the First Assistant District Attorney and Eight Thousand Dollars (\$8,000) for the Second Assistant District Attorneys in said District; containing a severability clause; and declaring an emergency."

H. B. No. 1133, A bill to be entitled "An Act prescribing the lawful period for hunting quail in Bee County, Texas; and declaring an emergency."

H. B. No. 1088, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to convey to the adjoining landowner, a small segment of the Prairie View Agricultural and Mechanical College of Texas campus, excluding therefrom and reserving all mineral rights thereunder, the segment consisting of 2.452 acres of land, separated from the main campus by a Farm Road; providing for the appraisal of the land and disposition of the proceeds; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act to establish the County Criminal Court Number Four of Dallas County, Texas; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Dallas County, the County Criminal Court of Dallas County, the County Criminal Court No. 2 of Dallas County, and the County Criminal Court No. 3 of Dallas County; and providing for the transfer of pending appeals of convictions had under the laws of the State of Texas and municipal ordinances; etc.; and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act to amend Chapter 471 (page 830) of the Acts, 52nd Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Art. 3731a, by amending Section 1

Section 2, inserting a new section 2a, and amending Sections 4 and 5 so as to provide for admissibility of a greater number of domestic and foreign records admissibility of foreign laws as evidence of the matters contained therein, and for authentication of such records and foreign laws; and declaring an emergency."

H. B. No. 541, A bill to be entitled "An Act selling certain State-owned submerged land to the City of Seadrift; and declaring an emergency."

H. B. No. 821, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, by adding in Section 15 of Article I of the Texas Liquor Control Act provisions and requirement for a Nonresident Brewer's Permit; by adding in Section 3 of Article II of the Texas Liquor Control Act provision and requirement for a Nonresident Manufacturer's License; and by amending Section 28 in Article II of the Texas Liquor Control Act by adding to the requirements for label approval and fixing a fee therefor; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 1095, A bill to be entitled "An Act making lawful the taking and selling of catfish with certain nets in the Sabine River and its tributaries in Smith, Upshur and Wood Counties; creating a uniform commercial netting law to conform to the counties bordering Smith, Upshur, and Wood Counties; and declaring an emergency."

H. B. No. 892, A bill to be entitled "An Act to eradicate so-called private clubs operated as a subterfuge for the sale of liquor by the drink, and to assure strict compliance for operation of bona fide private clubs; providing certain fees and taxes for operation of private clubs to the credit of the General Revenue Fund; providing penalties; and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act amending Sections 101, 107 and 139 of Chapter 25, Acts of the 39th Legislature, Regular Session,

1925, which are codified as Articles 7880-101, 7880-107, and 7880-139, Revised Civil Statutes of Texas, by lowering the discount rate on certain water district bonds; providing maintenance tax elections for certain districts; providing authority of Board of Water Engineers to inspect certain district projects; containing a severability clause; and declaring an emergency."

H. B. No. 995, Relating to the establishment of a hospital district coterminus to the West Columbia, Brazoria, and Damon Independent School Districts and another hospital district to be coterminus to the Sweeny Independent School District, providing that subsequent to the organization of each hospital district the qualified electorate of each district may elect to consolidate the districts; providing funding, administration, and procedure; and declaring an emergency."

H. B. No. 533, Amending Chapter 467, House Bill No. 77, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Article 666 and 667, by amending paragraph (7) of Section 15 of Article I and further amending said Section by adding a new paragraph to be designated (7a); etc., and declaring an emergency.

**Conference Committee on
House Bill 753**

Senator Baker called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 753 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Baker, Parkhouse, Willis, Gonzalez and Hardeman.

Senate Concurrent Resolution 86

Senator Lane offered the following resolution:

S. C. R. No. 86, Authorizing En-

rolling Clerk of House to make certain corrections in H. B. No. 388.

Whereas, House Bill No. 388 has passed the Senate and the House of Representatives and is now in the House Enrolling Room; and

Whereas, A minor error has been found in Section 1 of the Bill, as amended in the Senate; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Enrolling and Engrossing Clerk of the House be and is hereby instructed to correct the error by adding the words "it shall be lawful to take or kill buck deer with pronged horns" after the words "time and" and preceeding the words "in Rusk," in said Section 1.

The resolution was read.

On motion of Senator Lane and by unanimous consent the resolution was considered immediately and was adopted.

**Conference Committee Report on
House Bill 568**

Senator Fuller submitted the following Conference Committee Report on H. B. No. 568:

Austin, Texas,
May 29. 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives, on H. B. No. 568, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

FULLER
PARKHOUSE
GONZALEZ
BAKER
REAGAN

On the part of the Senate.

KILPATRICK
HERRINGTON
HAYNES
LOCK
SMITH

On the part of the House.

H. B. No. 568,

A BILL

To Be Entitled

An Act amending Section 7 of Chapter 437, page 1021, Acts of 1947, Fiftieth Legislature, Regular Session, known as Article 8161b, to increase the salaries of Commissioners of drainage districts in counties having a population of 245,000 or more, according to the last preceding Federal Census, covered by the Act to a sum not to exceed \$350 per month; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 7 of Chapter 437, page 1021, Acts of 1947, Fiftieth Legislature, Regular Session, known as Article 8161b, be amended so that said Section 7, as amended, shall provide as follows:

"Section 7. (a) The Commissioners of drainage districts shall receive for their services compensation for the time actually engaged in the work of their district not to exceed One Hundred and Fifty Dollars (\$150) in any one (1) month, which compensation shall be fixed by an order of the Commissioners Court. The amount of such compensation shall be determined upon the application therefor in writing by the Commissioners of drainage districts located in such counties, showing the necessity therefor, provided that such Commissioners Court, after having heard such petitions, may deny or grant the same in whole or in part and shall enter their written order in the premises fixing the amount of such compensation within the limits aforesaid.

(b) In counties having a population of Two Hundred Forty-five Thousand (245,000) or more, according to the last preceding Federal Census, the Commissioners of drainage districts shall receive for their services compensation for the time actually engaged in the work of their district, not to exceed Three Hundred Fifty Dollars (\$350) per month, which compensation shall be fixed by an order of the Commissioners Court. The amount of such compensation shall be determined upon the application therefor in writing by the Commissioners of drainage districts located in such counties, showing the necessity therefor, provided that such Commisison-

ers Court, after having heard such petitions, may deny or grant the same in whole or in part, and shall enter their written order in the premises fixing the amount of such compensation within the limits aforesaid."

Sec. 2. The fact that undue hardship is worked on the Commissioners of drainage districts covered by this Act by reason of the increased duties upon such Commissioners entailed in constructing drainage projects and maintaining the same, and the salary fixed by the present law is wholly inadequate, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Krueger	Weinert
Kazen	Willis

Absent

Parkhouse

Senate Bill 300 with House Amendments

Senator Krueger called S. B. No. 300 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Krueger moved that the Senate do not concur in the House amendments, but that a conference

committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Krueger, Martin, Moffett, Dies and Reagan.

Report of Conference Committee on Senate Bill 27

Senator Gonzalez submitted the following Conference Committee Report on S. B. No. 27:

Austin, Texas,
May 28, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 27, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

GONZALEZ
MOORE
KAZEN
HARDEMAN
WILLIS

On the part of the Senate.

BARLOW
ROSAS
SPEARS
PRESTON
ECKHARDT

On the part of the House.

S. B. No. 27,

A BILL

To Be Entitled

An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or the State of Texas, or both, have been denied in the proceedings in which they were convicted, or who assert that their conviction was based, in whole or in part, on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was

unintentionally given; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Any person imprisoned in the penitentiary for any offense who asserts that in the proceedings which resulted in his conviction there was a substantial denial of his rights under the Constitution of the United States or of the State of Texas, or both, or any person so confined who asserts that his conviction was based in whole or in part on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was unintentionally given, may institute a proceeding under this Act.

Sec. 2. Proceedings under this Act may be commenced by filing with the Clerk of the Court in which the conviction took place a petition verified by affidavit. A copy of the petition shall be served upon the District Attorney in the county where the conviction took place. The Judge of the Court in which the conviction took place may, upon presentation to him of the petition, set the same down for a hearing and ascertain the facts which shall be transmitted to the Court of Criminal Appeals for consideration and review.

Sec. 3. The petition shall identify the proceeding in which the petitioner was convicted, give the date of the rendition of the final judgment complained of, and shall clearly set forth the respects in which petitioner's constitutional rights were violated. The petition shall have attached thereto affidavits, records, or other evidence supporting its allegations or shall state why the same are not attached. The petition shall identify any previous proceedings that the petitioner may have taken to secure relief from his conviction. Arguments and citations and discussion of authorities shall not be included in the petition. Any claim not raised in the original or an amended petition is waived unless the petitioner alleges facts showing that such omission was not due to his culpable negligence.

Sec. 4. If the petition alleges that the petitioner is unable to pay the costs of the proceeding, the Court may order that the petitioner be permitted to proceed in forma pauperis. If the petitioner is without counsel and al-

leges that he is without means to procure counsel, he shall state whether or not he wishes counsel to be appointed to represent him. If appointment of counsel is so requested the Court shall appoint counsel if satisfied that the petitioner has no means to procure counsel.

Sec. 5. If the Judge of the Court in which the conviction took place shall for any reason refuse to consider such petition or to grant a hearing thereon, the petitioner may file said petition in the Court of Criminal Appeals. Upon the filing of said petition in the Court of Criminal Appeals, it shall be the duty of said Court to designate and direct any District Judge or Judges of this State to hear and ascertain the facts necessary for proper consideration of the issues involved.

Sec. 6. It shall be the duty of the official court reporter of the district in which such hearing is had to prepare forthwith a statement of facts in question and answer form of the facts adduced in evidence and transmit the same to the Clerk of the Court of Criminal Appeals within thirty (30) days of the date of such hearing. And it shall be the duty of the District Clerk of the county in which such hearing is had to make up a transcript of all pleadings in such case and transmit the same without delay to the Clerk of the Court of Criminal Appeals, provided that upon good cause shown the time may be extended by the Court of Criminal Appeals for filing of such narration of facts or transcript.

Sec. 7. The petitioner shall have the right to be present throughout such hearing in order to testify in his own behalf or to assist his attorney in conducting such hearing. The Judge of the Court in which such hearing is had shall cause to be issued a bench warrant for the petitioner in order to insure his presence in such hearing.

Sec. 8 Upon considering and reviewing the record the Court of Criminal Appeals shall enter its judgment remanding the petitioner to custody, or ordering his release and granting him a new trial as the law and facts may justify, or enter any order which justice may require.

Sec. 9. No proceeding under this Act shall be commenced more than five (5) years after rendition of final

judgment unless petitioner alleges facts showing that the delay was not due to his culpable negligence.

Sec. 10. This Act creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Recess

On motion of Senator Hardeman the Senate at 12:24 o'clock p.m. took recess until 3:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 3:00 o'clock p.m. today.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S. J. R. No. 7. House appointed the following Conferees: Gladden, Chairman; Hollowell, Longoria, Markgraf, Wilson of Trinity.

H. C. R. No. 90, Endorsing efforts of South Texas Veterans Alliance to secure hospitals in 14th and 15th Congressional Districts of Texas.

S. C. R. No. 85, Expressing gratitude to Mr. Walter E. Long and the Texas Legislative Service.

S. C. R. No. 86, Granting House Enrolling Room permission to correct error in House Bill No. 388.

The House has adopted the Conference Committee Report on House Bill No. 568 by a non-record vote.

S. C. R. No. 80, Committee to study problems of Texas Turnpike Authority. (With amendments.)

The House has adopted the Conference Committee Report on House Bill No. 753 by a non-record vote.

H. C. R. No. 140, Suspending the Joint Rules of both Houses to consider Senate Joint Resolution No. 8.

Motion that the Senate be requested to appoint a new Conference Committee and that the Speaker appoint a new Conference Committee on the part of the House, and that the House Conference Committee be instructed to report back to the House no later than 5:00 p.m., today, prevailed.

House has appointed the following Conference Committee on H. B. No. 334: Ballman, Chairman, Koriath, Murray, Hinson, Wilson of Trinity.

H. C. R. No. 142, Suspending the Joint Rules to allow the Senate to consider House Bill No. 998 at any time.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 300. House has appointed the following Conferees: Watson, Chairman, Adams of Lubbock, Cannon, Haring, Richards.

H. C. R. No. 143, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 829.

The House has adopted the Conference Committee Report on Senate Bill No. 135 by a vote of 118 ayes, 0 noes.

The House has adopted the Conference Committee Report on House Bill No. 568 by a vote of 143 ayes, 1 no.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**House Concurrent Resolution 90
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 90, Endorsing efforts of South Texas Veterans Alliance to secure hospitals in 14th and 15th Congressional Districts of Texas.

On motion of Senator Kazen and by unanimous consent the resolution was read and was adopted.

**Conference Committee on
House Bill 1036**

Senator Schwartz called from the President's table for consideration at this time, the request of the House

for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1036 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Schwartz, Secrest, Patman, Martin and Moore.

Record of Vote

Senator Martin asked to be recorded as voting "Nay" on the motion to grant request of House for Conference Committee on H. B. No. 1036.

**Conference Committee Report
on House Bill 753**

Senator Baker submitted the following Conference Committee Report on H. B. No. 753:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 753, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BAKER
WILLIS
GONZALEZ
HARDEMAN

On the part of the Senate.

SHIPLEY
BARLOW
ATWELL
PIERATT
KILPATRICK

On the part of the House.

H. B. No. 753,

**A BILL
To Be Entitled**

An Act amending Article 1170, Revised Civil Statutes of Texas, 1925, pertaining to submission to the qualified voters of a Home Rule City of amendments to an existing charter of such city; repealing Article 1171, Revised Civil Statutes of Texas; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 1170, Revised Civil Statutes of Texas, 1925, is hereby amended so that from and after the effective date of this Act such article shall be and read as follows:

"Article 1170. When the governing body desires to submit amendments to any existing charter, said body may on its own motion, in the absence of a petition, and shall, upon the petition of at least ten per cent of the qualified voters of said city, submit any proposed amendment or amendments to such charter. The ordinance providing for the submission of such amendment or amendments shall require the submission thereof at an election to be held not less than thirty days nor more than ninety days after the passage of said ordinance. If the next regular municipal election is to be held during said period, the submission of said amendment or amendments shall be at such election. Otherwise, a special election shall be called for the purpose. Notice of the election for the submission of said amendment or amendments shall be given by publication thereof, in some newspaper of general circulation published in said city, on the same day in each of two successive weeks; the date of the first publication to be not less than fourteen days prior to the date set for said election. The form of such notice shall be as prescribed by the governing body or as may be otherwise prescribed by law, and shall include a substantial copy of the proposed amendment or amendments. Every amendment submitted must contain only one subject, and in preparing the ballot for such amendment, it shall be done in such manner that the voter may vote "Yes" or "No" on any amendment or amendments without voting "Yes" or "No" on all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the charter of said city. No amendment shall be considered adopted until an official order has been entered upon the records of said city by the governing body thereof declaring the same adopted."

Section 2. Article 1171, Revised Civil Statutes of Texas, 1925, is hereby repealed.

Section 3. The fact that under ex-

isting laws cities desiring to amend their charters are required to spend large sums for postage and other expenses in mailing out copies of proposed amendments and that adequate notice of any proposed amendments may be given, as in the case of other important elections, by publication in a newspaper of general circulation create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Conference Committee Report on Senate Bill 162

Senator Schwartz submitted the following Conference Committee Report on S. B. No. 162:

Austin, Texas,
May 23, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 162, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

**SCHWARTZ
BAKER
ROGERS
MOORE
DIES**

On the part of the Senate.

**STEWART
GARRISON
HUEBNER
LA VALLE**

On the part of the House,

S. B. No. 162,

**A BILL
To Be Entitled**

An Act establishing the Juvenile and County Court No. 2 of Galveston County by amending Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, codified as Article 1970-342, Vernon's Texas Civil Statutes; providing for a seal of said court; prescribing its juris-

diction; providing for the transfer of cases; providing that the judge of the present Probate Court of Galveston County shall serve as judge of the Juvenile and County Court No. 2 until the next general election and until his successor shall have been elected and qualified; providing for the election of the judge of the court and setting out his qualifications; providing that his term of office shall be four (4) years; providing for execution of bond and oath of office; providing for his salary; providing for election or appointment of a special judge in case of the disqualification of the regular judge; providing for filling vacancies in the office of the judge; providing conditions under which the judge may be subject to removal from office; providing that the commissioners court shall designate suitable quarters for the court; empowering the judge of the court to appoint such officers and employees as are necessary for the proper administration of the jurisdiction of the court; setting forth duties of the county clerk and the district attorney; providing for terms of the court; empowering the judge of the Juvenile and County Court No. 2 to contract for psychiatric services; providing for applicability of laws and rules governing district and county courts in practice and procedure, rules of evidence, issuance of process and other matters pertaining to the conduct of trials and hearings; providing for the issuance of writs; providing that the court may punish for contempt, prescribing duties of sheriffs and constables of the State; providing for appeals from the Juvenile and County Court No. 2; prescribing duties of officers, agents and employees of the Child Welfare Department, County Welfare Office and County Health Office in providing services to the court; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, codified as Article 1970-342, Vernon's Texas Civil Statutes, is hereby amended to read as follows:

"Sec. 1. The Probate Court of Galveston County provided by Section 1,

Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, shall hereafter be known as the 'Juvenile and County Court No. 2, of Galveston County,' The court shall have, in addition to its present jurisdiction, civil and criminal jurisdiction as provided by general law for county courts and as provided in Section 3 hereof in juvenile matters.

Sec. 2. The court shall have a seal consisting of a star of five (5) points with the words 'Juvenile and County Court No. 2, Galveston County, Texas' engraved thereon.

Sec. 3. The Juvenile and County Court No. 2 shall have concurrent jurisdiction in the following cases:

(a) Removal of disabilities of minority and coverture, and change of name of persons.

(b) Adoptions.

(c) Delinquent, neglected or dependent child proceedings, and all jurisdiction, power and authority placed in the district or county courts under the juvenile and child welfare laws of this State; provided that in cases concerning offenses by juveniles for which they might be adjudged delinquent the court shall have jurisdiction if a tentative charge is filed by the juvenile officer and without intervention of the district attorney.

(d) In addition, the Juvenile and County Court No. 2 of Galveston County shall have concurrent probate, civil and criminal jurisdiction of all cases, original and appellate, over which by the laws of the State of Texas and the existing County Court of Galveston County would have original and appellate jurisdiction; provided, however, that the court shall at all times give precedence first to the juvenile matters enumerated in this section.

Sec. 4. All cases over which the Juvenile and County Court No. 2 has jurisdiction may be instituted in or transferred to the Juvenile and County Court No. 2. The county judge and the district judges of Galveston County may transfer to the Juvenile and County Court No. 2 all cases pending in their respective courts of which the court has jurisdiction, including all filed papers and certified copies of all orders theretofore entered in said cases, with the consent of the judge of the Juvenile and County Court No. 2.

All cases and matters over which

the Juvenile and County Court No. 2 is given jurisdiction may be transferred by the Judge thereof to the county or district courts having jurisdiction under the laws of this State, with the consent of the judge of the court concerned. All cases and matters over which the Juvenile and County Court No. 2 and the County Court of Galveston County have concurrent jurisdiction and over which the district courts also have jurisdiction may be transferred to one of the district courts of Galveston County with the consent of the judge thereof.

All writs or process issued by a court prior to the time any case is transferred shall be returned and filed in the court to which the case is transferred and shall be as valid and binding upon the parties to such transferred case as though such writ or process had been issued out of the court to which transferred, and all waivers of process and other instruments executed prior to the transfer of any case shall also be as valid and binding as though executed after such transfer.

Sec. 5. The judge of the present Probate Court of Galveston County shall serve as judge of the Juvenile and County Court No. 2 until the next general election and until his successor shall have been duly elected and qualified. At the next general election, there shall be elected in Galveston County by the qualified voters thereof a judge of the Juvenile and County Court No. 2, who shall be a bona fide resident of Galveston County, well informed in the laws of the State, and a duly licensed attorney and practicing member of the Bar in this State. He shall hold office for four (4) years and until his successor shall have been duly elected and duly qualified.

Sec. 6. The judge of the Juvenile and County Court No. 2 of Galveston County shall execute a bond and take the oath of office as required by the laws of this State relating to County judges.

Sec. 7. The judge of the Juvenile and County Court No. 2 shall be paid by the commissioners court of Galveston County a yearly salary of not less than the total compensation of the county judge of said County as may be fixed by the commissioners court. This salary shall be paid out of the general fund of the county in twelve (12) equal monthly installments.

Sec. 8. In the event of the disqualification of the judge of the Juvenile and County Court No. 2 to try a particular case because of illness, inability, failure or refusal to hold court at any time, a special judge may be elected or appointed as provided by law relating to county courts. The special judge shall receive the same compensation as the regular judge of the Juvenile and County Court No. 2. Such compensation shall be deducted from the salary of the regular judge except in case of illness.

Sec. 9. The elected Judicial members of the Juvenile Board of Galveston County shall fill any vacancy in the office of the judge of the Juvenile and County Court No. 2 by a majority vote of said members. The judge so designated shall hold office until the next general election and until his successor is elected and qualified.

Sec. 10. The judge of the Juvenile and County Court No. 2 shall be subject to removal from office for the same reasons and in the same manner as provided by the Constitution and laws of this State for the removal of County judges.

Sec. 11. The commissioners court of Galveston County shall designate suitable quarters for the Juvenile and County Court No. 2 at the Galveston County Court House and at any other place within Galveston County as may be recommended by the Juvenile Board.

Sec. 12. The judge of the Juvenile and County Court No. 2 may appoint such juvenile officers and assistant juvenile officers for Galveston County as provided by law. The judge may also appoint a court reporter when he deems it necessary to record and preserve testimony, utilizing the services of the regular district and county court reporters when possible. The salaries and compensation of such officers and employees shall be established and paid as provided by law. Such salaries and compensation shall be paid out of the general fund of Galveston County.

Sec. 13. The county clerk of Galveston County shall serve as clerk of the Juvenile and County Court No. 2. He shall keep a fair record of all acts done and proceedings had in the court and shall perform generally all such duties as are required of county clerks insofar as they may be ap-

plicable to the Juvenile and County Court No. 2.

Sec. 14. The first term of the Juvenile and County Court No. 2 of Galveston County shall begin on the effective date of this Act and remain in session until the first day of the following September. Thereafter, its term shall begin on the first day of September of each year and remain in session continuously to and including the thirty-first day of August of the next year.

Sec. 15. The judge of the Juvenile and County Court No. 2 is empowered to contract, on behalf of any juvenile within the jurisdiction of the court, for any necessary psychiatric services (testing, evaluation and treatment) with any county or State facility, subject to the approval of the Juvenile Board of Galveston County. Charges, if any, for said services shall be paid from the general fund of Galveston County.

Sec. 16. The practice and procedure, rules of evidence, selection of juries, issuance of process and other matters pertaining to the conduct of trials and hearings in the Juvenile and County Court No. 2 shall be governed by such laws and rules pertaining to district and county courts as may be applicable to the case before the court.

Sec. 17. In cases under its jurisdiction, the Juvenile and County Court No. 2 and the Judge thereof may issue injunctions, temporary injunctions, and restraining orders and all other writs which may be issued by county and district courts. The court may also punish for contempt under the controlling statutes and rules applicable to the case before the court.

Sec. 18. All sheriffs and constables of Texas shall render the same service and perform the same duties with reference to writs and process for the Juvenile and County Court No. 2 of Galveston County as is required of them with reference to process and writs for district courts.

Sec. 19. The district attorney of Galveston County or his duly and legally qualified assistant, or assistants, shall prosecute and defend all cases involving children alleged to be dependent, neglected or delinquent, or in which the probation officer, child welfare office, county health officer, or any other welfare agency is in-

terested and shall represent the State in all such proceedings of the Juvenile and County Court No. 2.

Sec. 20. Appeals from judgments and orders of the Juvenile and County Court No. 2 in cases over which the court has concurrent jurisdiction with the county court shall be as provided by the Constitution and laws of this State for appeals from county courts. Appeals in all other cases shall be to the Court of Civil Appeals of the First Supreme Judicial District as now or hereafter provided for appeals from district and county courts.

Sec. 21. All officers, agents and employees of the Child Welfare Department, County Welfare Office, and County Health Office shall furnish such services in the line of their respective duties as are required by the Juvenile and County Court No. 2.

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 3. The urgent need for a court to handle matters over which the County Court of Galveston County has jurisdiction and to combine all matters affecting juveniles under the authority of a single court in that county create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—28

Aikin	Kazen
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hardeman	Patman
Hazlewood	Rathiff
Herring	Reagan
Hudson	Roberts
Krueger	Rogers

Schwartz
Secrest

Smith
Willis

Absent

Fuller
Gonzalez

Weinert

(Senator Lane in the Chair.)

**Conference Committee Report on
Senate Bill 224**

Senator Reagan submitted the following Conference Committee Report on S. B. No. 224:

Austin, Texas,
May 29, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 224, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

REAGAN
BAKER
DIES
HERRING

On the part of the Senate

PRESTON
HALE
MURRAY
PRICE
RAPP

On the part of the House

S. B. No. 224,

**A BILL
TO BE ENTITLED**

An Act relating to the creation of a National Seashore Area on part of Padre Island and the surrounding submerged lands; providing for severability; repealing all laws or parts of laws in conflict; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The surface estate of that part of the following described lands situated in Kleberg, Kenedy, Willacy and Cameron Counties, to which the State of Texas has title or may acquire title or that have been

acquired or that have become vested under any previous Act or Acts, which Congress in its good judgment may require for a National Seashore Area, shall be and are hereby established, dedicated and set apart as a public park for the benefit and enjoyment of the people and shall be known and designated as the "Padre Island National Seashore" which area is approximately described as follows:

Beginning at a point one (1) mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway; thence due east to a point on Padre Island one (1) mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico, a distance of about three and five-tenths (3.5) miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on the United States Coast and Geodetic Survey chart number 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey charts numbered 1286, 1287 and 1288, for a distance of approximately eight-five (85) miles; thence westerly crossing Padre Island to the easterly line of the Intracoastal Waterway at a point northerly of Three Island; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

The Legislature takes no part in the decision as to the length of said National Seashore Area, leaving that decision to the National Congress, except that in no event shall said area exceed eighty-eight and one-half (88½) miles in length.

Sec. 2. The Legislature of the State of Texas hereby withdraws from sale the surface estates of all state-owned lands in said area regardless of the purpose or purposes for which they are held and regardless of the instrumentality of the state for which they are held and hereby transfers and conveys the surface estates of that part of said above described tract which Congress may require for said park purposes to the State of Texas for park purposes only and title hereby vested in the State of Texas for park purposes only, and said surface estates shall become a part of the Padre Island National Seashore. The

said surface estates hereby transferred and conveyed are conveyed in fee simple title, and the mineral estate with the right of occupation and use of so much of the surface as may be required for all purposes reasonably incident to the mining or removal of the minerals is hereby specifically reserved.

Sec. 3. The Commissioner of the General Land Office shall prepare a list of the lands now owned in said area by the State of Texas or its instrumentalities for any purpose and deliver a certified copy of such list to the Texas State Parks Board. The surface estate in said lands shall be for recreational park purposes and shall be under the supervision and control of the Texas State Parks Board.

Sec. 4. Immediately after enactment by the Congress of the United States of legislation authorizing the creation of a National Seashore Area on Padre Island, and in consideration of the United States agreeing to establish and maintain said area as a National Seashore Area, the School Land Board of the State of Texas is hereby authorized and directed to execute a deed of conveyance to the United States Government covering such parts of the state-owned lands on Padre Island as may be included in the National Seashore Area, but not to exceed the area described in Section 1 hereof, for recreational parks purposes, and to cede to the United States Government jurisdiction over said lands in conformity with the provisions of Article 5247, Revised Civil Statutes of Texas of 1925. Said deed shall also reserve to the State of Texas the right to retain concurrent jurisdiction with the United States Government over every portion of the lands so ceded, so that all process, civil and criminal, issuing under the authority of this state or any of the courts or judicial officers thereof, may be executed by the proper officers of the state, upon any person amenable to the same within the limits of the land so ceded as the area for the Padre Island National Seashore, in like manner and like effect as if no such cession had taken place; and, reserving further to the state the right to levy and collect taxes on sales, use or gross receipts from sales of products or commodities upon which a tax is levied in this state, and to tax per-

sons and corporations, their franchises, properties and incomes, on land or lands deeded and conveyed under the terms of this Act; and reserving also, to persons residing in or on any of the land or lands deeded or conveyed, the right to vote at all elections within the counties in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been deeded or conveyed as aforesaid to the United States of America.

Said land shall not be conveyed unless the School Land Board is first satisfied that the mineral interest with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining, development, or removal of the minerals is protected and the deed to the Federal Government and Federal legislation establishing Padre Island as a National Seashore Area contains the following provisions, to wit:

The Secretary of the Interior shall permit a reservation by the grantor of all oil, gas, and other minerals in such land or waters with the right of occupation and use of so much of the surface of the land or waters as may be required for the purposes of development of oil, gas and other minerals, including sites for the purpose of drilling directionally under adjoining State owned submerged lands.

Sec. 5. The United States Government, through the Secretary of the Interior or any other agency, is hereby authorized to purchase, condemn, receive, hold and acquire title to the surface estate of so much of the land in the area above described as shall be required by Congress as the Padre Island National Seashore for use as a recreational park; provided that the acquisition of lands in such area shall not affect the mineral estate in the lands so acquired, nor the right of ingress and egress for the purpose of exploring for, developing, processing, storing and transporting minerals from beneath said lands and waters with the right of housing employees for such purposes.

Sec. 6. The Legislature of the State of Texas further requests that the Federal Government permit the leasing of sites on that portion of Padre Island which may lie within Padre Island National Seashore for the purpose of drilling directionally from Pa-

dre Island under the adjoining submerged lands both in and out of Padre Island National Seashore, and that the Department of Interior promulgate reasonable rules and regulations as to the use of such drilling sites, the length of time permitted for removal of drilling equipment upon completion, the construction and maintenance of pumping and storage facilities necessary to remove oil from completed wells, the housing of employees for such purposes, and the establishment of reasonable easements for the transportation of all minerals so produced.

Sec. 7. The State of Texas requests the United States Government to construct a paved road from Corpus Christi to Port Isabel, and to construct a causeway from Port Mansfield to Padre Island, and to provide such ferries and other bridges as may be necessary in order to make the entire length of the National Seashore Area and adjacent lands accessible to the public; and full cooperation of the State of Texas is pledged in that regard.

Sec. 8. The State of Texas recognizes the lands, spoil banks, easements and rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District, and requests the United States Government to give every possible consideration to the rights and needs of this governmental unit, so long as such lands and other rights are used solely for public purposes.

Sec. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 10. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 11. The fact that the Department of Interior has recommended the creation of a National Seashore Area on part of Padre Island and surrounding submerged areas as a tourist attraction, a game preserve for migratory waterfowls, a spawning ground for fish, and a controlled area for the study of the sea and its inhabitants; and the fact that the state-owned submerged lands in the pro-

posed park area are presently for sale to certain special districts for One Dollar (\$1) per acre; and the fact that state legislation will encourage the National Congress to create the much needed park; and the fact that a National Park in such area would be of unlimited financial benefit to Texas; and the fact that the right of future generations to go down to the sea should be preserved, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Question—Shall the Conference Committee Report on S. B. No. 224 be adopted?

Messages from the Governor

Austin, Texas,
May 29, 1961.

To the Members of the Fifty-seventh Legislature:

At the request of the author, Representative Robert H. Hughes, I am vetoing and returning unsigned House Bill 495, authorizing life, health, or accident insurance companies to acquire production payments under certain conditions.

This bill contains the same subject matter and amends the same Article as Senate Bill 221, which has also passed the Legislature and come to me for consideration.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

Hon. Ben Ramsey
Lieutenant Governor of Texas
Austin, Texas

Dear Governor Ramsey:

Pursuant to Senate Concurrent Resolution 76, I am returning to the Senate for correction Senate Concurrent Resolution 60, granting permission to Texas Gulf Construction Company, Inc. to sue the State.

Respectfully submitted,
PRICE DANIEL

Conference Committee Report on
Senate Bill 135

Senator Schwartz submitted the

following Conference Committee Report on S. B. No. 135:

Austin, Texas,
May 27, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 135, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWARTZ
BAKER
DIES
MOORE

On the part of the Senate.

STEWART
GARRISON
HUEBNER
WARD
LA VALLE

On the part of the House.

S. B. No. 135,

A BILL

To Be Entitled

An Act creating a Juvenile Board for Galveston County and designating the members thereof; providing that no compensation may be paid for serving thereon; providing for the appointment and qualifications of Juvenile and Assistant Juvenile Officers and a clerk, and for their salaries, expenses, payment of their claims for expenses, filing of their appointments in the office of the County Clerk, taking their oaths of office and filing of their oaths in the office of the County Clerk; providing for the removal of such Juvenile and Assistant Juvenile Officers; providing for such Juvenile and Assistant Juvenile Officers to have the authority, powers and duties under Article 5142 of the Revised Civil Statutes of Texas, 1925, and any amendments thereto; providing automobiles for the Juvenile and Assistant Juvenile Officers; providing this Act is cumulative of existing laws; repealing all laws in conflict to the extent of conflict only; providing that if any portion of this Act is held unconstitutional, it shall not affect the remainder thereof; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. There is hereby established a County Juvenile Board in and for the County of Galveston, to be known as the Galveston County Juvenile Board, which Board shall be composed of the County Judge, the Judge of the Juvenile and County Court No. 2, the Judges of the several District Courts in and for Galveston County, and eight citizen members, four (4) to be appointed by the commissioners court of Galveston County; one (1) to be appointed by the Galveston City Council; one (1) to be appointed by the City Commission of Texas City; one (1) to be appointed by the City Council of LaMarque; and one (1) to be appointed by the City Council of Hitchcock. The Judge of the Juvenile and County Court No. 2 shall serve as chairman of the Juvenile Board. Citizen members of the Board shall serve for terms of two (2) years.

Sec. 2. The members of the Galveston County Juvenile Board shall receive no compensation for their services on said Board.

Sec. 3. The Judge of the Juvenile and County Court No. 2 of Galveston County may appoint discreet persons of good moral character to serve as Juvenile officer and Assistant Juvenile Officers for Galveston County. The Board shall fix the salaries of and allowances for the said Juvenile Officer and Assistant Juvenile Officers and employ a clerk for said office, and the commissioners court shall provide the necessary funds for the payment of such salaries and expenses as may be necessary. All claims for expenses of the Juvenile Officer and Assistant Juvenile Officers shall be certified by the Chairman of the Board to the said county commissioners court as being necessary in the performance of the duty of such officer. The appointment of said Juvenile Officer and Assistant Juvenile Officers shall be filed in the office of the County Clerk of said county, and such officers shall take the oath to perform their duties and file such oaths in the office of the County Clerk of said county. The Judge of the Juvenile and County Court No. 2 may remove the Juvenile Officer or an Assistant Juvenile Officer at any time.

Sec. 4. The said Juvenile Officer and Assistant Juvenile Officers shall

have the authority, powers and duties authorized and required by Article 5142 of the Revised Civil Statutes of Texas, 1925, and any amendments thereto.

Sec. 5. The Commissioners Court of Galveston County shall furnish automobiles for the official use of said Juvenile Officer and Assistant Juvenile Officers and provide for the expense of operating the same, as recommended by the Board.

Sec. 6. This Act shall be cumulative of existing laws; and any laws in conflict herewith are repealed to the extent of such conflict only.

Sec. 7. If any portion of this Act is held unconstitutional by a court of competent jurisdiction, the remaining portion shall, nevertheless, be valid the same as if the invalid portion had not been a part hereof.

Sec. 8. The fact that the Juvenile Board created hereunder must coincide with the creation of the Juvenile and County Court No. 2 of Galveston County creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is enacted."

The report was read and was adopted by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Krueger	Secrest
Kazen	Smith

Absent

Gonzalez	Willis
Weinert	

Conference Committee on Senate Joint Resolution 12 Discharged

On motion of Senator Martin and by unanimous consent the Confer-

ence Committee appointed on S. J. R. No. 12 on Thursday, May 25, 1961, was discharged.

Senate Joint Resolution 12 with House Amendments

Senator Martin called S. J. R. No. 12 from the President's table for consideration of the House amendments to the resolution.

The Presiding Officer laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	

Nays—1

Hardeman

Absent

Colson	Weinert
Gonzalez	Willis
Parkhouse	

Bills and Resolutions Signed

The Presiding Officer announced the signing of by the President in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 66, A bill to be entitled "An Act to provide that it shall be unlawful to sell, give or barter knuckles made of any metal or any hard substance, or a switch-blade knife; spring-blade knife or throw-blade knife; providing for penalties; and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act amending Subsection (e) and (f) of Section 13, Article XVII of Chapter 184, Acts of the 47th

Legislature, Regular Session, 1941, as last amended; removing the necessity to notarize claims for motor fuel tax refund, setting out the required contents of such claim; and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act to amend Article 1016 and Article 1019 of the Revised Civil Statutes of Texas of 1925 to make the provisions thereof applicable to any city or town incorporated under the general laws of this State and to authorize the governing body of any such city or town to vacate, abandon, and close streets and alleys within such city or town; and declaring an emergency."

H. B. No. 289, A bill to be entitled "An Act to be known and cited as the Legislative Reorganization Act of 1961; providing for the selection, functions, meeting and powers of standing committees in each House; providing for special committees in each House and joint committees of the two Houses; authorizing the administration of oaths; requiring oaths of all witnesses; authorizing process from all witnesses; prohibiting witnesses from refusing to testify and making provisions therefor; providing for contempt of the Legislature and directing prosecutions therefor; etc.; and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act amending Art. 326k-19 of the Revised Civil Statutes of the State of Texas providing for the appointment of a stenographer by District Attorneys in Judicial districts containing two or more counties, fixing the maximum salary to be paid such stenographers, providing for the approval and payment of the salary of such stenographer by the Commissioners Court of the counties in such district, permitting such Commissioners Courts of each county to increase the salary permitted by this Act when the needs of the stenographer requires it and the financial condition of the counties in such district will permit it, repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

H. B. No. 409, To provide for the prevention of pollution of underground water by registering water well drillers and providing for administration and enforcement; and declaring an emergency."

H. B. No. 441, A bill to be entitled "An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended, by substituting the word obscene for similar words, defining obscene, making it illegal to knowingly possess for sale, keep for sale, manufacture, distribute, assist in the sale or distribution of, or give away an obscene phonograph record, and making a second conviction of a violation of the article a felony; amending Chapter 120, Acts of the 54th Legislature, Regular Session, 1955, by removing the exemption for magazines actually engaged in the factual reporting of current events; providing for severability; repealing all laws in conflict; and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act to amend Article 581-29 of the Revised Civil Statutes of the State of Texas, as amended in Acts 1957, 55th Leg., p. 575, chapter 269, No. 29 being a section of the Texas Security Law setting the penalty, to increase the penalty for a violation of same; and declaring an emergency."

H. B. No. 1084, Closing the open season for hunting wild buck deer, wild turkey gobblers and collared peccary or javelina in Justice Precinct No. 1 in Kenedy County; exempting an area therein from application of this Act; providing a penalty of a violation of this Act; and amending Chapter 260, Acts of the Fifty-sixth Legislature, 1959; providing a severability clause; and declaring an emergency."

H. B. No. 1073, A bill to be entitled "An Act providing for the sale of certain surveyed unsold school land to the City of Dodson, in the County of Collingsworth, upon payment of a fair market value, along with the usual and customary fees; reserving all oil, gas, and other minerals to the Permanent Free School Fund; and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act providing for the conveyance and patenting of certain State-owned free public school land in El Paso County to the County of El Paso for park purposes in exchange for certain lands now owned by the County of El Paso, reserving all the oil, gas, and other minerals, enacting other

provisions relating to the subject matter; and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act raising the maximum fees that may be retained by justices of the peace in counties of more than 46,000 and not more than 75,000 persons according to the last preceding Federal census; repealing all laws in conflict; and declaring an emergency."

H. B. No. 626, A bill to be entitled "An Act amending Section 15 of Chapter 400, Acts of 55th Legislature, Regular Session, 1957, which is codified as Section 15 of Article 1970-345, Vernon's Texas Civil Statutes, so as to provide certain additional employees of the Probate Court of Tarrant County and establishing certain control over employees and fixing minimum salaries; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act providing for the sale of certain land to the City of Texas City, upon payment of a stated sum; reserving all oil, gas and other minerals; enacting other provisions relating to the subject matter; and declaring an emergency."

H. B. No. 770, A bill to be entitled "An Act to amend Section 1 of Article 2.07, Insurance Code (Section 1 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session (1951), page 868, as amended by Acts of 1957, 55th Legislature, Page 87, Chapter 41, Section 1) providing that the capital stock of a domestic insurance company with a nominal or par value shall be divided into shares of not less than one dollar (\$1.00) each, and not more than one hundred dollars (\$100.00) each, providing that at least fifty percent of the authorized shares with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; etc.; and declaring an emergency."

H. B. No. 1105, A bill to be entitled "An Act defining a geological or geophysical map; defining theft of a geological or geophysical map; prescribing what constitutes the taking of a geological or geophysical map; making it a felony to commit the crime of theft of a geological or geophysical map; making it a felony to

receive, possess, reproduce, conceal, barter, sell, dispose of or transport a geological or geophysical map knowing the same to have been so acquired; prescribing a penalty; providing that this Act shall be cumulative of all laws of the State and any violation hereof may be prosecuted irrespective of whether or not the acts complained of may constitute some of the essential elements of other or different offenses against the penal laws of this State; etc.; and declaring an emergency."

(President in the Chair.)

Senate Bill 192 with House Amendments

Senator Schwartz called S. B. No. 192 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

Senator Martin moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

Senator Schwartz moved to table the motion by Senator Martin.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—15

Baker	Hudson
Calhoun	Kasen
Creighton	Krueger
Dies	Moffett
Fuller	Schwartz
Gonzalez	Secret
Hardeman	Smith
Hazlewood	

Nays—12

Aikin	Patman
Crump	Ratliff
Martin	Reagan
Moore	Roberts
Owen	Rogers
Parkhouse	Willis

Absent

Colson	Lane
Herring	Weinert

Question recurring on the motion by Senator Schwartz to concur in House amendments to S. B. No. 192, the motion prevailed.

Record of Vote

Senator Martin asked to be recorded as voting "Nay" on the motion to concur in the House amendments to S. B. No. 192.

Conference Committee on House Bill 334

Senator Lane called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 334 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Lane, Reagan, Hardeman, Fuller and Creighton.

Senate Concurrent Resolution 47 with House Amendments

Senator Lane called S. C. R. No. 47 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Lane moved that the Senate concur in the House amendments.

The motion prevailed.

Bill and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

S. B. No. 385, A bill to be entitled "An Act to amend Article 5924 of the Revised Civil Statutes of Texas, 1925, also codified as Article 5924, Vernon's Annotated Civil Statutes of Texas; this amendment provides that the certificate required to transact

business in the State of Texas under an assumed name, which certificate has to be filed in the office of the county clerk, shall be effective for a period of not to exceed ten years, at which time it shall automatically terminate unless the certificate is renewed; providing for the termination of all certificates now on file in the county clerk's office as of December 31, 1962; repealing all laws in conflict; providing for severability and declaring an emergency."

S. C. R. No. 74, Granting Central Power and Light Company permission to sue the State of Texas.

S. C. R. No. 79, Suspend Joint Rules to consider S. B. No. 206 at any time.

S. C. R. No. 81, Recalling S. B. No. 255 from Governor's office and instructing Enrolling Clerk to make certain corrections therein.

S. C. R. No. 82, Suspend Joint Rules to consider S. B. No. 9 at any time.

S. C. R. No. 78, Recalling H. B. No. 1095 from Governor's office.

S. C. R. No. 60, Granting Texas Gulf Construction Co., Inc. permission to sue the State of Texas.

House Concurrent Resolution 143 on Second Reading

On motion of Senator Calhoun and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 143, Instructing the Enrolling Clerk to make certain corrections in H. B. No. 892.

The resolution was read and was adopted.

Conference Committee Report on Senate Bill 300

Senator Krueger submitted the following Conference Committee Report on S. B. No. 300:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the

House of Representatives on S. B. No. 300, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

KRUEGER
MARTIN
MOFFETT
DIES
REAGAN

On the part of the Senate.

WATSON
ADAMS of Lubbock
CANNON
HARING
RICHARDS

On the part of the House.

S. B. No. 300,

A BILL
To Be Entitled

An Act amending Article 5221b-9(e), Revised Civil Statutes of Texas, 1925, as amended, by providing for certain information to be furnished at actual cost but not less than a minimum fee and for the disposition of such fees; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article 5221b-9(e), Revised Civil Statutes of Texas, 1925, as amended, be and the same is hereby amended so that hereafter such Section shall read as follows:

"(e) Records and Reports: Each employing unit shall keep true and accurate employment records, containing such information as the Commission may prescribe and which is deemed necessary to the proper administration of this Act. Such records shall be open to inspection and subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the Commission deems necessary for the effective administration of this Act. Information thus obtained or otherwise secured shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) except as the Commission may deem necessary for the proper administration of this Act; provided, however, copies of employers wage re-

ports pertaining to an individual and copies of claims for benefits filed by an individual, on request, may be furnished to such individual, or such person as he may designate in writing, upon payment of a fee to cover the entire actual cost to the Commission of preparing and furnishing same, said cost to be determined by the Commission and in no event shall the charge be less than One Dollar (\$1). The fees required by this Section shall be remitted to the Commission at Austin, Texas; and all such fees so collected shall be deposited in the Treasury of the State of Texas to the credit of the Unemployment Compensation Administration Fund established under Article 5221b-11a, Texas Revised Civil Statutes. Any employee or member of the Commission who violates any provision of this Subsection shall be fined not less than Twenty Dollars (\$20), nor more than Two Hundred Dollars (\$200), or imprisoned for not longer than ninety (90) days, or both.

"The provisions of this section shall be subject to the provisions of the Employment Security Manual of the Bureau of Employment Security, of the United States Department of Labor."

Sec. 2. The fact that an individual is unable to obtain the information reported by his employers creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Concurrent Resolution 87

Senator Owen offered the following resolution:

S. C. R. No. 87, Suspending Joint Rules to consider H. B. No. 1135 at any time.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the Joint Rules be and they are hereby suspended to allow House Bill No. 1135 to be considered by either House at any time.

The resolution was read.

On motion of Senator Owen and by unanimous consent the resolution

was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 145, Suspending the joint rules of both Houses to allow the House and Senate to take up House Bill No. 477 at any time.

H. C. R. No. 128, Providing for an advisory interim committee to assist in the study of the State's fiscal structure.

H. C. R. No. 119, Suspending the Joint Rules so as to permit the House and Senate to consider House Bill No. 534 at any time.

The House has adopted the Conference Committee Report on S. J. R. No. 7 by a vote of 130 ayes, 10 noes.

The House has adopted the Conference Committee Report on S. B. No. 300 by a non-record vote.

Motion to reconsider the vote by which House concurred in Senate amendments to H. B. No. 471, prevailed and now the House refused to concur in Senate amendments to House Bill 471 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House appointed the following Conferees: Hughes of Dallas, Chairman; Johnson, Rosas, Trevino, Watson.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee Report on
Senate Joint Resolution 7**

Senator Willis submitted the following Conference Report on S. J. R. No. 7:

Austin, Texas,
May 29, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. J. R. No. 7 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**WILLIS
PARKHOUSE
MARTIN
MOFFETT
HARDEMAN**

On the part of the Senate.

**GLADDEN
HOLLOWELL
MARKGRAF
LONGORIO
WILSON**

On the part of the House.

S. J. R. No. 7,

PROPOSING an Amendment to Section 51-b of Article III of the Constitution of the State of Texas, relating to assistance to needy persons Totally and Permanently Physically or Mentally Disabled, renumbering said section, and providing that the amount paid out of State funds for assistance payments to the Totally and Permanently Disabled may never exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000) per year.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas, relating to assistance to needy persons Totally and Permanently Physically or Mentally Disabled be amended and re-numbered so as to read as follows:

"Sec. 51-b-1. The Legislature shall have the power to provide by general laws, under such limitations and restrictions as may be deemed by the Legislature expedient, for assistance to needy individuals, who are citizens of the United States, who shall have passed their eighteenth (18th) birthday but have not passed their sixty-fifth (65th) birthday, who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps and not feasible for vocational rehabilitation, and who are residents of the State of Texas, who have resided in this State for at least one

(1) year continuously immediately preceding the application and who have resided in the State for at least an additional five (5) years during the nine (9) years immediately preceding the application for assistance; and providing, further, that no individual shall receive assistance under this program for the permanently and totally disabled during any period when he is receiving old age assistance, aid to the needy blind, or aid to dependent children, nor while he is residing permanently in any completely State supported institution; and provided, further, that not more than Twenty Dollars (\$20) a month out of State funds may be paid to any individual recipient; and provided, further, that the amount paid out of State Funds to any individual may never exceed the amount paid to that individual out of Federal funds; and provided, further, that the amount paid out of State funds for assistance payments shall not exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000) per year.

The Legislature shall have the authority to accept from the Government of the United States such financial aid for individuals who are permanently and totally disabled as that Government may offer not inconsistent with the restrictions herein provided."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment to establish a ceiling of Two Million, Five Hundred Thousand Dollars (\$2,500,000) per year on the amount that may be paid out of State funds for assistance payments to the totally and permanently disabled."

"AGAINST the Constitutional Amendment to establish a ceiling of Two Million, Five Hundred Thousand Dollars (\$2,500,000) per year on the amount that may be paid out of State funds for assistance payments to the totally and permanently disabled."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

The report was read and was adopted by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Absent

Weinert

Senate Resolution 559

Senator Patman by unanimous consent offered the following resolution:

Whereas, Senate Resolution 123 was adopted by the Senate on February 21, 1961, creating a Cost of Government Study Committee; and

Whereas, The sum of Five Thousand Dollars (\$5,000) was set aside by said Resolution out of the Legislative Expense Fund to defray the expenses of such committee; and

Whereas, Such sum is now deemed inadequate to meet the expenses of the committee; now therefore be it

Resolved, By the Senate of the State of Texas, That an additional sum of Twenty Thousand Dollars (\$20,000) over and above that provided for in Senate Resolution 123 be set aside out of the Legislative Expense Fund of the 57th Legislature to defray the expenses of the committee.

The resolution was read and was adopted by the following vote:

Yeas—25

Baker	Krueger
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Patman
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Schwartz

Secrest Smith	Willis	Conference Committee Report on Senate Bill 224
	Nays—5	The Senate resumed the consideration of the pending business, same being the Conference Committee Report on S. B. No. 224.
Aikin Fuller Hardeman	Lane Parkhouse	Question—Shall the Conference Committee Report on S. B. No. 224 be adopted?
	Absent	(Senator Kazen in the Chair.)
Weinert		House Concurrent Resolution 140 on Second Reading
House Bill on First Reading		On motion of Senator Willis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:
The following bill received from the House, was read the first time and referred to the committee indicated:		H. C. R. No. 140, Suspending Joint Rules to consider S. J. R. No. 8 at any time.
H. B. No. 1135, to Committee on Water and Conservation.		The resolution was read and was adopted.
Senate Concurrent Resolution 88		Senate Bill 51 with House Amendments
Senator Gonzalez offered the following resolution:		Senator Smith called S. B. No. 51 from the President's table for consideration of the House amendments to the bill.
S. C. R. No. 88, Suspending Joint Rules to consider H. B. No. 899 at any time.		The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.
Be it resolved by the Senate of Texas, the House of Representatives concurring, that the joint rules be and they are hereby suspended to allow H. B. No. 899 to be considered by either House at any time.		Senator Smith moved that the Senate concur in the House amendments.
The resolution was read.		The motion prevailed.
On motion of Senator Gonzalez and by unanimous consent the resolution was considered immediately and was adopted.		Senate Resolution 561
Report of Standing Committee		Senator Rogers offered the following resolution:
Senator Parkhouse by unanimous consent submitted the following report:		Whereas, Mr. and Mrs. J. M. Willson of Floydada, Texas, have been given Special Freedom Leadership awards from the Freedom Foundation at Valley Forge Military Academy, and brought honor and recognition to themselves and the State of Texas; and
		Whereas, Mr. and Mrs. Willson have made outstanding contributions to the moral and intellectual basis of our nation by establishing and sponsoring twenty lectureships in eighteen colleges and universities of the great Southwest; and
Austin, Texas, May 29, 1961.		
Hon. Ben Ramsey, President of the Senate.		
Sir: We, your committee on Water and Conservation, to whom was referred H. B. No. 1135, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.		
PARKHOUSE, Chairman.		
House Bill 1135 Ordered Not Printed		
On motion of Senator Owen and by unanimous consent H. B. No. 1135 was ordered not printed.		

Whereas, Mr. Willson's record of service to God and Country is almost without equal among the patriots of our land; and

Whereas, This record of service encompasses the highest recognition and positions in the Methodist Church, Rotary, Chamber of Commerce, Veteran's Organization, military service and the Boy Scouts of America and numerous other fields; and

Whereas, This brilliant and selfless record further includes outstanding contributions to our common welfare through leadership in the Selective Service and savings bonds program; and

Whereas, Mr. and Mrs. Willson have invested and divested themselves of their worldly goods to the lasting benefit of business, industry and philanthropic efforts benefiting all men and women; and

Whereas, Mr. and Mrs. J. M. Willson are the parents of four worthy and outstanding children, James M. Willson, Jr., of Floydada, Texas; David Willson of Plainview, Texas; Oragene, wife of Will Addis of Houston, Texas, Southwestern Bell Telephone Company engineer; and Louise, wife of Dr. Robert Arnold of Lubbock, Texas; now, therefore, be it

Resolved, That the Texas Senate of the Fifty-seventh Legislature congratulate and commend Mr. and Mrs. Willson as good citizens and humanitarians and servants of their God, their Country, and their fellow man; and be it further

Resolved, That Mr. and Mrs. Willson receive the heartfelt thanks and gratitude of the Senate of the State of Texas; and that a copy of this resolution duly signed be sent to Mr. and Mrs. J. M. Willson and their family.

ROGERS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Smith and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by the Senate.

Bills Signed

The Presiding Officer announced the signing of by the President in the presence of the Senate after the captions had been read, the following enrolled bills:

H. B. No. 840, A bill to be entitled "An Act amending Section 1 of Chapter 300, Acts of the 53rd Legislature, Regular Session, 1953, to provide that the maximum salary for stenographers for county judges in counties with a population in excess of twenty thousand and one (20,001) and less than fifty thousand (50,000) shall be Four Thousand and Eight Hundred Dollars (\$4,800); and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act relating to Dentistry; pertaining to Dentists and Narcotic Drugs, removing fund limitation; prescribing Dental and Dental Hygiene fees, subjects and method of examination; and providing for annual registration fees; amending Chapter 7, Title 12, of the Penal Code of Texas, 1925, as amended, amending Article 4550a, Section 3, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of H. B. 362, Chapter 371, General Special Laws of Texas, 50th Legislature, Regular Session, 1947; amending Article 4544, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of H. B. 362, Chapter 371, General and Special Laws of Texas, 50th Legislature, Regular Session, 1947; amending Section 5 of S. B. 453, Acts, Regular Session, 52nd Legislature, Page 843, Chapter 475, General and Special Laws of Texas; amending Article 4550a, Section 1, as last amended by Section 2 of Acts 1947, 50th Legislature, Page 752, Chapter 371; providing a severance clause; repealing all laws in conflict; and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing additional compensation for the county judge of Tarrant County for his service as a member of the juvenile board; providing that such compensation shall be in addition to all other compensation now provided or allowed by law for said county judge; providing that the Commissioners Court of Tarrant County shall provide the neces-

sary funds for such compensation; and declaring an emergency."

H. B. No. 1108, Amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, granting regulatory authority over wildlife resources in Menard County, to the Texas Game and Fish Commission; and declaring an emergency.

H. B. No. 1035, A bill to be entitled "An Act amending Chapter 7, Acts of the 47th Legislature of Texas, Regular Session, 1941, relating to certain cities bordering upon the Gulf of Mexico, validating bonds heretofore issued and proceedings and actions of such cities and their governing bodies in connection with such bonds, and validating conveyances or grants of properties and rights in properties, real or personal, to any such city, in connection with or relating to any park improvement or pier acquired or constructed, under the provisions of said Chapter 7; providing a severability clause; and declaring an emergency."

At Ease

On motion of Senator Dies and by unanimous consent the Senate at 6:24 o'clock p.m. agreed to Stand at Ease for five minutes.

In Legislative Session

The Presiding Officer (Senator Kazen in the Chair) called the Senate to order as in Legislative Session at 6:30 o'clock p.m.

Conference Committee Report on Senate Bill 224

The Senate resumed the consideration of the pending business, same being the adoption of the Conference Committee report on S. B. No. 224.

Question—Shall the Conference Committee Report on S. B. No. 224 be adopted?

(Pending further discussion by Senator Hudson of the Conference Committee Report on S. B. No. 224, Senator Aikin occupied the Chair.)

Question—Shall the Conference Committee Report on S. B. No. 224 be adopted?

Senate Concurrent Resolution 80 with House Amendments

Senator Willis called S. C. R. No.

80 from the President's table for consideration of the House amendments to the resolution.

The Presiding Officer laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Concurrent Resolution 59 with House Amendments

Senator Schwartz called S. C. R. No. 59 from the President's table for consideration of the House amendments to the resolution.

The Presiding Officer laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on Senate Bill 224

The Senate resumed the consideration of the pending business, same being the Conference Committee Report on S. B. No. 224.

Question—Shall the Conference Committee Report on S. B. No. 224 be adopted?

(Pending further discussion by Senator Hudson on the Conference Committee Report on S. B. No. 224, Senator Hardeman occupied the Chair.)

(Senator Aikin in the Chair.)

Report of Standing Committee

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 899, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

House Bill 899 Ordered Not Printed

On motion of Senator Gonzalez and by unanimous consent H. B. No. 899 was ordered not printed.

Senate Concurrent Resolution 89

Senator Smith offered the following resolution:

S. C. R. No. 89, Authorizing the Enrolling Clerk of the Senate to make certain corrections in S. B. No. 51.

Be it Resolved by the Senate, the House of Representatives concurring, that the Engrossing and Enrolling Clerk of the Senate be instructed to correct the verbage of a House amendment to S. B. No. 51 to read as follows:

"Provided, however, that the provisions of this act shall not be in full force and effect until the school year beginning September 1, 1963."

The resolution was read.

On motion of Senator Smith and by unanimous consent the resolution was considered immediately and was adopted.

Conference Committee Report on Senate Bill 224

The Senate resumed the consideration of the pending business, same being the adoption of the Conference Committee Report on S. B. No. 224.

Question—Shall the Conference Committee Report on S. B. No. 224 be adopted?

(Senator Martin in the Chair.)

Conference Committee on House Bill 471

Senator Parkhouse called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 471 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the Presiding Officer announced the appointment by the President of the following Conferees on the bill on the part of the Senate:

Senators Parkhouse, Martin, Hardeman, Calhoun and Creighton.

(Senator Hardeman in the Chair.)

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House passed the following:

S. C. R. No. 88, Suspending the Joint Rules to allow H. B. No. 899 to be considered by either House at any time.

S. C. R. No. 89, Instructing the Engrossing and Enrolling Clerk of the Senate to correct Senate Bill No. 51.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Conference Committee Report on House Bill 471

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 471:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 471, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CALHOUN
PARKHOUSE
CREIGHTON
HARDEMAN
MARTIN

On the part of the Senate.

TREVINO
HUGHES of Dallas
ROSAS
JOHNSON of Dallas

On the part of the House.

H. B. No. 471,

A BILL

To Be Entitled

An Act to provide for the registration

and protection of trademarks and service marks, to define certain terms, to define marks registrable and marks not registrable, to define the requirements for an application for registration, to instruct the Secretary of State as to handling of applications for registration and issuance of certificates of registration, to define the rights and privileges descendent from a registration of a mark, to constitute a registration of a mark as constructive notice of a claim of ownership, to provide for judicial review of actions of the Secretary of State concerning marks and applications therefor, to define the term of registrations of marks and provide for renewal thereof, to provide for notification of necessity of renewal, to provide for the assignment of marks and the recordation of such assignments, to provide for canceling of registrations of marks under conditions defined, to provide for a civil action for the cancellation of a registration of a mark, to define classifications of goods and services in connection with which marks may be used and registered on a single application, to provide a civil action against persons obtaining registrations by making false or fraudulent statements, to provide for the preservation of some common law rights in marks, to define acts which are wrongful as against the owner of a registered mark, to provide for and define remedies for wrongful acts with respect to marks; repealing Articles 844 through 851-B inclusive, Revised Civil Statutes of Texas, as amended; repealing Articles 1061, 1062, and 1066, Penal Code of Texas, 1925; amending Article 1058, Penal Code of Texas, 1925, so as to remove certain requirements of publication and filing; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. For the purposes of this Act, unless otherwise required by the context:

(a) "Mark" includes any trademark or service mark whether registered or not. "Trademark" includes any word, name, symbol, or device or any combination thereof adopted and used by a person to identify his goods and distinguish them from those manufac-

tured or sold by others in this State. "Service mark" means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others and includes without limitation the marks, names, symbols, titles, designations, slogans, character names, and distinctive features of radio or other advertising used in this State.

(b) "Person" means any individual, firm, partnership, corporation, association, union or other organization.

(c) "Applicant" embraces the person filing an application for registration of a mark under this Act or under acts in force at the time this Act went into effect and includes his legal representatives, successors, assigns and predecessors in title to the mark sought to be registered by said person.

(d) "Registrant" embraces the person to whom a registration has been issued under this Act or under Acts in force at the time this Act went into effect and includes his legal representatives, successors, assigns, and predecessors in title to the registration.

(e) A mark shall be deemed to be used in this State (1) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and the goods are sold, displayed for sale, or otherwise publicly distributed within this State and (2) on services when it is used or displayed in the sale of advertising of services and the services are rendered in this State.

(f) "Trade name" includes individual names and surnames, firm names, and lawfully adopted named and titles used by persons to identify their business, vocations, or occupations.

Sec. 2. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall be registrable unless it:

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia

of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(e) consists of a mark which, (1) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (3) is primarily merely a surname; provided, however, that nothing in this subsection (e) shall prevent the registration of a mark used in this State by the applicant which has become distinctive of the applicant's goods or services. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of substantially exclusive and continuous use thereof as a mark by the applicant in this State for the five (5) years next preceding the date of the filing of the application for registration; or

(f) consists of or comprises a mark which so resembles a mark registered in this State by another and not abandoned, as to be likely, when applied to or used in connection with the goods or services of the applicant, to cause confusion or mistake or to deceive.

Sec. 3. Subject to the limitations set forth in this Act any person who adopts and uses a mark in this State may file in the Office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark, setting forth, but not limited to, the following:

(a) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation;

(b) An appointment of the Secretary of State as agent for service of process in any action relating only to the registration which may be issued, if the applicant be, or shall become, a nonresident individual, partnership, or association, or foreign corporation not licensed to do business in this State, or cannot be found in this State.

(c) The goods or services in connection with which the mark is being used, and the mode or manner in which

the mark is being used in connection with such goods or services, and the class in which such goods or services are believed to belong;

(d) The date when applicant first used the mark in this State and the date when applicant first used the mark anywhere;

(e) A statement that the applicant believes himself to be the owner of the mark, and that no other person to the best of his knowledge and belief has the right in this State to use such mark either in the identical form thereof, or in such near resemblance thereto, as to be likely, when applied to the goods or services of such person, to cause confusion. or to cause mistake, or to deceive.

The application shall be signed and verified by the applicant or by an agent of the applicant.

The application shall be accompanied by a specimen or facsimile of such mark as actually used.

The application for registration shall be accompanied by a filing fee of Ten Dollars (\$10) payable to the Secretary of State.

Sec. 4. Duplicate originals of the application including the specimen or facsimile shall be delivered to the Secretary of State as a part of the filing thereof. If the application conforms to law the Secretary of State shall, when all fees have been paid as required by law:

(1) Endorse on each such duplicate original the word "Filed" and the month, day, and year of the filing thereof.

(2) File one of such duplicate originals in his office.

(3) Issue a certificate of registration evidencing registration on said date of filing, to which he shall affix the other duplicate original.

(4) Deliver said certificate of registration together with the affixed duplicate original of the application to the applicant or his representative.

A certificate of registration issued by the Secretary of State under the provisions of this Act, or a copy thereof duly certified by the Secretary of State, shall be admissible in evidence as prima facie proof of (1) the validity of the registration, (2) registrant's ownership of the mark, and (3) registrant's exclusive right to use the mark throughout the State of Texas in commerce in connection with the goods or services specified in the

certificate, subject to any conditions and limitations stated therein.

Sec. 5. Registration of a mark under this Act shall be constructive notice throughout the State of Texas of the registrant's claim of ownership thereof throughout Texas.

Sec. 6. All final decisions of the Secretary of State hereunder shall be deemed to be administrative decisions and subject to judicial review in the State District Court of Travis County. In all appeals prosecuted in any of the courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

Sec. 7. Registration of a mark hereunder shall be effective for a term of ten (10) years from the date of registration, and, upon application filed within six (6) months prior to the expiration of such term, on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. Said application shall be accompanied by an affi-

davit by the registrant stating that the mark is still in use in this State or showing that any nonuse in this State is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark in this State. A renewal fee of Ten Dollars (\$10), payable to the Secretary of State, shall accompany the application for renewal of the registration.

A registration may be renewed for successive periods of ten (10) years in like manner.

Any registration in force on the date on which this Act shall become effective shall expire ten (10) years from the date of the registration thereof or two (2) years after the effective date of this Act, whichever is later, and may be reregistered by filing an original application with the Secretary of State as aforementioned on a form furnished by him and by paying the aforementioned original application filing fee therefor within six (6) months prior to the expiration of the registration.

The Secretary of State shall notify registrants of marks under this and all previous Acts of the necessity of renewal or reregistration by writing to the last known address of the registrants within the period beginning twelve (12) months and ending six (6) months next preceding the expiration of the registration. Failure of the Secretary of State to so notify registrants and failure of any registrant to receive any such notice shall not extend the term of any such registration or excuse failure to renew or reregister.

Sec. 8. Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of Three Dollars (\$3) payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subsequent purchaser for valuable consideration without notice unless it

is recorded with the Secretary of State within three (3) months after the date thereof or prior to such subsequent purchase.

A duplicate copy (which may be either a duplicate original or a clear and readable positive photostatic copy of the original on durable paper) of any assignment to be recorded, shall be submitted to the Secretary of State together with an original thereof. If the assignment recordation fee has been paid, then the Secretary of State shall:

(1) Endorse on each of such original and duplicate the words "Filed for record in the Office of the Secretary of State, State of Texas," and the month, day and year of the filing thereof;

(2) File the duplicate of said assignment in his office; and

(3) Return the original so endorsed to the assignee or his representatives.

Sec. 9. The Secretary of State shall keep for public examination a record of all marks registered or renewed under this Act and other records of all instruments recorded in accordance with the provisions of Section 8.

Sec. 10. The Secretary of State shall cancel from the register:

(1) After two years from the effective date of this Act, all registrations under prior acts which are more than ten (10) years old and not reregistered in accordance with this Act;

(2) Any registration concerning which the Secretary of State shall receive a voluntary request for cancellation thereof from the owner of the registration as evidenced by the registration and any assignment thereof recorded in the office of the Secretary of State;

(3) All registrations granted under this Act and not renewed in accordance with the provisions hereof;

(4) Any registration concerning which a district court or court appellate thereto shall render a judgment from which no appeal has or can be taken, finding:

(a) that the registered mark has been abandoned,

(b) that the registrant is not the owner of the mark,

(c) that the registration was granted contrary to the provisions of this Act,

(d) that the registration was obtained fraudulently,

(e) that the registered mark has

become incapable of serving as a mark;

(5) Any registration, the cancellation of which has been ordered on any ground by a judgment of a district court or courts appellate thereto, from which no appeal has or can be taken.

Sec. 11. Any person who believes he is or will be damaged by the registration of a mark under this Act may bring an action to cancel such registration. Such action may be brought in any district court of the State of Texas having venue thereof.

(1) When the agent appointed to receive process is the Secretary of State, the Secretary of State shall forward notice of such action by registered mail to the registrant at his last address of record.

(2) Notice of any such action shall be transmitted by the clerk of the court in which the action is brought to the Secretary of State who shall place such notice in the file of such registration with proper notations and endorsements.

(3) The clerk of the court decreeing the cancellation or making of any of the findings specified in Section 10(4) hereof shall, when such decree becomes final, transmit a certified copy of the judgment to the Secretary of State.

Sec. 12. The following general classes of goods and services are established for convenience of administration of this Act but not to limit or extend the applicant's or registrants' rights. A single application for registration of a mark may include any or all goods or services upon which the mark is actually being used and which are comprised in a single class. In no event shall a single application include goods or services upon which the mark is being used and which fall within different classes. The Secretary of State is authorized to amend the classification of goods and services to conform with the classification established and as may be amended by the U. S. Patent Office.

Classification of Goods.

Class	Title
1	Raw or partly prepared materials
2	Receptacles
3	Baggage, animal equipments, portfolios, and pocketbooks
4	Abrasives and polishing materials

5 Adhesives	50 Merchandise not otherwise classified
6 Chemicals and chemical compositions	51 Cosmetics and toilet preparations
7 Cordage	52 Detergents and soaps
8 Smokers' articles, not including tobacco products	Classification of Services.
9 Explosives, firearms, equipments, and projectiles	100 Miscellaneous
10 Fertilizers	101 Advertising and business
11 Inks and inking materials	102 Insurance and financial
12 Construction materials	103 Construction and repair
13 Hardware and plumbing and steam-fitting supplies	104 Communication
14 Metals and metal castings and forgings	105 Transportation and storage
15 Oils and greases	106 Material treatment
16 Protective and decorative coatings	107 Education and entertainment
17 Tobacco products	Sec. 13. Any person who shall for himself, or on behalf of any other person, procure the filing of any application or the registration of any mark in the office of the Secretary of State under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, orally or in writing, or by any other fraudulent means, shall be liable, in a civil action brought in any district court having venue by any person injured thereby, to pay any damages sustained by such injured person in consequence of the use of such mark, and the costs of such action, including attorney's fees, and the court shall order cancellation of the registration of such mark.
18 Medicines and pharmaceutical preparations	
19 Vehicles	Sec. 14. Nothing herein shall adversely affect common law rights acquired in a mark prior to registration thereof hereunder. However, during the effective registration hereunder of a mark, no common law rights may be acquired as against the registrant thereof, unless said registrant shall have abandoned the mark.
20 Linoleum and oiled cloth	
21 Electrical apparatus, machines and supplies	Sec. 15. Subject to the provisions of Section 14 hereof, any person shall be liable in a civil action by the owner of a registered mark for any or all of the remedies in Section 16 hereof, if such person:
22 Games, toys and sporting goods	
23 Cutlery, machinery, and tools and parts thereof	(a) without the consent of the registrant, uses anywhere in the State of Texas, any reproduction, counterfeit, copy or colorable imitation of a mark registered under this Act, in connection with the sale, offering for sale or advertising of any goods or services in connection with which such use is likely to deceive or to cause confusion or mistakes as to the source or origin of such goods or services.
24 Laundry appliances and machines	(b) without the consent of the registrant, reproduces, counterfeits, copies or colorably imitates any such registered marks and applies such reproduction, counterfeit, copy or col-
25 Locks and safes	
26 Measuring and scientific appliances	
27 Horological instruments	
28 Jewelry and precious metal ware	
29 Brooms, brushes, and dusters	
30 Crockery, earthenware, and porcelain	
31 Filters and refrigerators	
32 Furniture and upholstery	
33 Glassware	
34 Heating, lighting and ventilating apparatus	
35 Belting, hose, machinery packing, and nonmetallic tires	
36 Musical instruments and supplies	
37 Paper and stationery	
38 Prints and publications	
39 Clothing	
40 Fancy goods, furnishings, and notions	
41 Canes, parasols, and umbrellas	
42 Knitted, netted and textile fabrics and substitutes therefor	
43 Thread and yarn	
44 Dental, medical and surgical appliances	
45 Soft drinks and carbonated waters	
46 Foods and ingredients of foods	
47 Wines	
48 Malt beverages and liquors	
49 Distilled alcoholic liquors	

orable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements, intended to be used upon or in conjunction with the sale or other distribution in this State of such goods or services.

Section 16, A registrant under this Act may proceed by suit in any District Court having venue to enjoin any act for which liability may be imposed under Section 15 hereof, and any such district court shall grant injunctions to restrain such acts, and may require the defendant to pay to such registrant all damages suffered by reason of such acts from and after the date two years prior to the date of filing of the suit; any such court may also order that any reproductions, counterfeits, copies or colorable imitations described in Section 15 hereof, in the possession or under the control of any defendant in such suit, be delivered to any officer of the court, or to the complainant, to be destroyed; provided, however, that the owner of any infringed mark may not recover damages from an infringer for infringement occurring during a period of time when the infringer did not have actual knowledge of the owner's mark.

Sec. 17. Article 1058, Penal Code of Texas, 1925, is amended to read as follows:

"Any normally reusable keg, cask, barrel, box, syphon, bottle or other container intended for re-use and bearing a trademark name, or other designation of ownership shall, in any action founded upon ownership of any such container, be prima facie considered to be the property of the owner of such mark, name, or other designation, or his licensee. No person, corporate or otherwise, other than the proprietor of any such container, or one acting by his written consent, shall fill for sale or for the purpose of traffic, any such container, or deface, erase, obliterate, cover up, remove or cancel any such name or mark, or refuse to return such container to the owner upon demand."

Sec. 18. This Act shall be in force and take effect upon its passage, but shall not affect any suit, proceeding or appeal then pending. Subject to the terms of Section 10 hereof Articles 844 through 851-B inclusive of the Revised Statutes of Texas, 1925, and Articles 1061 through 1062, inclusive, and Article 1066 of the Penal Code of Texas, Revised, 1925, and parts of any other acts inconsistent

herewith are hereby repealed on the effective date of this Act. Provided that as to any suit, proceeding or appeal, and for that purpose only. pending at the time of this Act takes effect such repeal or substitution shall be deemed not to be effective until final determination of said pending suit, proceeding or appeal.

Sec. 19. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Conference Committee Report on House Bill 1036

Senator Schwartz submitted the following Conference Committee Report on H. B. No. 1036:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 1036, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

SCHWARTZ
SECRET
PATMAN

On the part of the Senate.

STEWART,
Chairman
BARLOW
KENNARD
CALDWELL
KORIOH

On the part of the House.

H. B. No. 1036:

A BILL
To Be Entitled

An Act amending Chapter 457, Acts of the Fifty-fifth Legislature, Regular Session, 1957; providing that it shall be unlawful to sell, or of-

fer for sale, use or possess any rat poison, insect poison, or any other preparation which contains thallium sulphate, or any other thallium compound in sufficient quantity to be dangerous to the health or life of a human being with certain exceptions; providing that the Commissioner of Public Health shall determine human tolerances of and issue regulations pertaining to the percentage of thallium dangerous to health or life of human beings; declaring violation of this Act to be a misdemeanor punishable by a fine, and prescribing a penalty for the violation thereof; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 457, Acts of the Fifty-fifth Legislature, Regular Session, 1957 (codified as Article 726-2 of Vernon's Annotated Penal Code), is amended to read as follows:

"Section 1. It shall be unlawful to sell, or offer for sale, use or possess any rat poison, insect poison, or any other preparation which contains thallium sulphate, or any other thallium compound in sufficient quantity to be dangerous to the health or life of a human being, except that:

(a) Federal, State, County, or Municipal officers or persons under the immediate supervision of such officers or employees, may possess thallium for use for pest control purposes.

(b) Licensed physicians, surgeons, pharmacists, or veterinaries may possess thallium for use in their respective professions.

(c) Metallurgists and manufacturers of alloys of which thallium is a component part may possess thallium for laboratory use or manufacture of alloys.

(d) Persons operating research or chemical laboratories may possess thallium for use for the purposes of such laboratories.

Section 2. The Commissioner of Health of Texas shall, after public hearing following due notice, determine the maximum tolerances of human beings to thallium sulphate or any thallium compound, and shall issue regulations specifying what percentage quantity of thallium sulphate or any thallium compound is sufficient to be dangerous to the health or life of a human being.

Section 3. Any person who violates any provision of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200)."

Section 4. This Act shall take effect and be in force from and after January 1, 1962.

Section 5. The fact that many children in the State of Texas have died during the past two years from accidental poisoning resulting from eating or handling preparations containing thallium sulphate, or other thallium compounds, and the fact that there are many other substances which are either nonpoisonous, or not dangerous to man, which can be used in rat poisons, insect poisons, and other similar preparations; and the fact that many of the preparations containing thallium sulphate and other thallium compounds, which are now available in grocery stores, drug stores, and other retail establishments, constitute a dangerous menace to the lives of Texas children, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended and this Rule is hereby suspended.

The report was read and was adopted.

(President in the Chair.)

**Conference Committee Report
on Senate Bill 224**

The Senate resumed the consideration of the pending business, same being the Conference Committee Report on S. B. No. 224.

Senator Reagan by unanimous consent withdrew the Conference Committee Report on S. B. No. 224.

**Conference Committee Report
on Senate Bill 1**

Senator Roberts submitted the following Conference Committee Report on S. B. No. 1:

Austin, Texas,
May 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differ-

ences between the Senate and the House of Representatives on Senate Bill No. 1, have met and had same under consideration, and beg to report back with the recommendation that it do pass in the form attached.

ROBERTS
LANE
MARTIN
AIKIN
HAZLEWOOD

On the part of the Senate.

COTTEN
BUCHANAN
DEWEY
McGREGOR
HOLLOWELL

On the part of the House.

(The text of the Report will be printed as a Supplement to the Senate Journal.)

The report was read and was adopted.

Record of Votes

Senators Krueger, Hardeman, Patman and Herring asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on S. B. No. 1.

Conference Committee Report on Senate Bill 1 Ordered Not Printed in Journal

On motion of Senator Roberts and by unanimous consent the text of the Conference Committee Report on S. B. No. 1 was ordered not printed in today's Senate Journal as it will be printed as a Supplement at a later date.

House Bill 9 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 9, A bill to be entitled "An Act amending Sections 1 and 2 of Article IV of Senate Bill 116, Chapter 334, of the Fifty-first Legislature, Regular Session, 1949, as last amended by House Bill 8, Chapter 390, Acts of the 55th Legislature, R. S., to provide a new teacher and administrator salary schedule with increments; amending Section 1 of Article V of Senate Bill 116, supra, as amended by House Bill 376, Chap-

ter 241, Acts of the 53rd Legislature, R. S., to provide for an increased operating cost allotment; etc., and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. 9, Section 2, Page 4, Line 5, by striking out the words "Five Hundred Dollars (\$500.00)" and inserting in lieu thereof the words "Six Hundred Dollars (\$600.00)."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 9, page 5, by adding a new section to be known as Section 4 a. to read as follows:

"The State Commissioner of Education shall determine the amount of local funds to be charged to each school district and use therein toward the support of the Foundation School Program, which amount shall be calculated as follows:

Divide the State and county assessed valuation of all property in the county subject to school district taxation for the next preceding school year into the State and county assessed valuation of the district for the next preceding school year, finding the district's percentage of the county valuation. Multiply the district's percentage of the county valuation by the amount of funds assigned to all of the districts in the county. The product shall be the amount of local funds that the district shall be assigned to raise toward the financing of its Foundation School Program.

Provided, however, that in any district containing State University-owned land, State-owned prison land, Federal-owned forestry land, Federal-owned military reservations or Federal-owned Indian reservations, the amount assigned to such school district shall be reduced in the proportion that the area included in the above-named classification bears to the total area of the district. Provided, further, that no local fund assignment shall be charged to the Boys Ranch Independent School District in Oldham County, Texas.

"Provided that if the revenue that would be derived from the legal maximum local maintenance school tax is less than the amount that is assigned

to a school district according to the economic index, and if such property valuation is not less than said property is valued for State and county purposes such lesser amount shall be the amount assigned to be raised by such school district.

"Provided further, that if a school district is unable or for any reason failed to collect local maintenance school funds equal to the amount assigned to it as determined by this Act, such failure will not make the district ineligible for full State per capita apportionment and full Foundation School Fund grants, but the amount as determined by this Act shall be charged against the district as budgetary receipts whether such amount is collected or not.

"Provided that the amount of local funds assigned to a contract district, as provided for in Article III of this Act, shall be assigned to the receiving district and all local taxes, except those required for the interest and sinking fund, shall be credited as collected to the receiving school district.

"If a district other than such a contract district has no school, the amount of local funds assigned to such district shall be assigned for the current year to the receiving district in which such children attend school and the local tax funds collected shall be transferred to such receiving district; provided that if pupils from such a district attend schools in more than one receiving district, such local fund assignment and local tax funds shall be divided for the current year between such receiving districts proportionately according to the number of transfers to each receiving district.

"If any school district which has a budgetary income, as provided in Article VI, Section 1, Subsections a and b, in excess of the amount needed to operate a Minimum Foundation School Program as provided herein and transfers pupils to another district, such sending district shall pay a proportionate part of such excess based upon the ratio of the number transferred to the number of enumerated scholastics, to the district or districts to which such pupils are transferred, and such amount shall be charged to the receiving school.

"The sum of the amounts assigned to the several portions of a county-line school district shall be the amount assigned to be raised by such dis-

trict toward the financing of its Foundation School Program.

"The County Tax Assessor-Collector in each county, in addition to his other duties prescribed by law, shall certify to the State Commissioner of Education in Austin, Texas, not later than December 1st of each year, the following information:

"(1) The assessed valuation, on a State and county valuation basis, of all property subject to school district taxation in each school district or portion of school district in such county, and the total assessed valuation of all property subject to the school district taxation in the county;

"(2) The total area of each school district; and

"(3) The area within each school district comprised of State University-owned land, State-owned prison land, Federal-owned forestry land, Federal-owned military reservations, and Federal-owned Indian reservations.

"Should any County Tax Assessor-Collector fail to submit such certificates to the State Commissioner of Education as provided for herein, the State Comptroller of Public Accounts is hereby directed to submit such information, estimating when necessary. As soon after the receipt of such certificates as practicable, and prior to the time that the respective tax rates for the school districts of the county have been set, the State Commissioner of Education shall notify each school district as to the amount of local funds that such district is assigned to raise for the succeeding school year.

"If there has been a marked increase or decrease in the assessed valuation of a school district within a county, and if the County School Board certifies that the use of the county and school district valuations for the preceding year in determining local fund assignments to the school districts in the county would be inequitable, and recommends a different distribution of the county total than that made by the State Commissioner of Education, such recommendations, subject to the approval of said Commissioner, shall become and be the lawful fund assignments to such districts.

"Provided, further, that any local maintenance funds in excess of the amount assigned to a district as determined by this Section may be expended for any lawful school purpose

or it may be carried over as a balance into the next school year."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 9 by adding a new section to be known as Section 4A to read as follows:

This Act shall become effective only in event H. B. 334, Acts Regular Session, 57th Legislature is enacted and becomes law.

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 9 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	

Absent

Weinert Willis

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin Baker

Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent

Weinert

House Bill 899 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 899, A bill to be entitled "An Act amending Section 1 of Chapter 298, Acts of the 50th Legislature, Regular Session, 1947, codified as Article 307B, Vernon's Texas Civil Statutes, to provide for the inclusion of all law schools situated within this state which are on the approved list of the Supreme Court of Texas; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 899 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 899 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hudson
Baker	Kazen
Calhoun	Krueger
Colson	Lane
Creighton	Martin
Crump	Moffett
Dies	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan

Roberts	Secrest
Rogers	Smith
Schwartz	Willis

Absent

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

At Ease

The President announced at 11:53 o'clock p.m. that the Senate would stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:54 o'clock p.m.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 1109, A bill to be entitled "An Act amending Chapter 43, Acts 1954, 53rd Legislature, First Called Session, as amended by Chapter 225, Acts 1957, 55th Legislature (Vernon's Annotated Civil Statutes, Article 1269j-5), by adding a new Section to make bonds issued by any city having a population of 150,00 or more according to the next preceding Federal Census, for airport purposes eligible as security for public funds and as investments for certain funds; enacting other matters related to the subject; and declaring an emergency."

H. B. No. 388, An Act amending Section 1, Chapter 493, Acts of the 52nd Legislature, 1951, to extend the deer season in Rusk, Harrison and Gregg Counties from ten (10) to fifteen (15) days; and declaring an emergency.

H. B. No. 119, A bill to be entitled "An Act amending Chapter I of H. B. 11, Chapter 20, Acts, Fifty-sixth Legislature, 3rd Called Session, providing for the filing of quarterly reports; providing for the retailer to remit 100% of the tax collected; dispensing with the requirement of including specific inventory informa-

tion in the reports; dispensing with the requirement of keeping records on sales to customers; providing for the records to be confidential; repealing Art. 20.12 and all laws in conflict; providing for an effective date; and declaring an emergency."

H. B. No. 899, A bill to be entitled "An Act amending Section 1 of Chapter 298, Acts of the 50th Legislature, Regular Session 1947, codified as Article 307B, Vernon's Texas Civil Statutes, to provide for the inclusion of all law schools situated within this state which are on the approved list of the Supreme Court of Texas; and declaring an emergency."

H. C. R. No. 143, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 829.

H. C. R. No. 90, Endorsing efforts of South Texas Veterans Alliance to secure hospital facilities for South Texas.

H. C. R. No. 110, Requesting Texas Legislative Council to study payment of claims, etc., by health, accident and hospitalization insurance companies.

H. B. No. 753, A bill to be entitled "An Act amending Article 1170, Revised Civil Statutes of Texas, 1925, pertaining to submission to the qualified voters of a Home Rule City of amendments to an existing charter of such city; repealing Article 1171, Revised Civil Statutes of Texas; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act amending Section 7, of Chapter 437, Page 1021, Acts of 1947, 50th Legislature, Regular Session, known as Article 8161b, to increase the salaries of Commissioners of Drainage Districts covered by the Act to a sum not to exceed \$350.00 per month; and declaring an emergency."

H. B. No. 829, A bill to be entitled "An Act concerning the practice of barbering in this State; amending Sections 9, 20 and 27 of House Bill 104, Chapter 65, Acts of the 41st Legislature, First Called Session, as amended; changing the existing provisions relating to the licensing and operation of barber schools and colleges; providing for an increase of

the annual renewal fee for certificates of registration; providing that the members of the State Board of Barber Examiners shall receive an increase in per diem; providing for severability; and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or the State of Texas, or both, have been denied in the proceedings in which they were convicted, or who assert that their conviction was based, in whole or in part, on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was unintentionally given; and declaring an emergency."

S. B. No. 188, A bill to be entitled "An Act relating to issuance and enforcement of 'Permits to Dispense Performing Rights Under Blanket License' for certain copyrighted musical or dramatico-musical compositions; amending Sections 1, 3, 4, 5 and 8 of Chapter 307, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

S. B. No. 116, A bill to be entitled "An Act to adopt and establish general statutory provisions and a definition applicable to real estate investment trusts; to provide for the formation and operation of a real estate investment trust; to provide for powers, duties, authorizations, liabilities and responsibilities of real estate investment trusts and their trust manager(s), officers and shareholders; to provide a manner for service of process on a real estate investment trust; provide for the payment and transfer of shares and the powers, duties and liabilities of shareholders; to provide for shareholders' meetings and the conduct thereof; to provide the termination and liquidation of real estate investment trusts; providing the Antitrust Laws of Texas shall not be affected under the provisions of this Act; containing a saving clause; and declaring an emergency."

S. B. No. 400, A bill to be entitled "An Act regulating the grading and classification of rose plants, cuttings

and bushes; fixing the responsibility of the Commissioner of Agriculture; providing for establishing rules, regulations, orders and requirements; providing for a fee for services; providing a penalty; a savings clause; and declaring an emergency."

S. B. No. 300, A bill to be entitled "An Act amending Article 5221b-9(e), Revised Civil Statutes of Texas, 1925, as amended, by providing for certain information to be furnished at actual cost but not less than a minimum fee and for the disposition of such fees; and declaring an emergency."

S. B. No. 255, A bill to be entitled "An Act relating to fixing speed limits for passenger vehicles on turnpikes operated by the Texas Turnpike Authority, amending Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, by adding thereto two new sections; and declaring an emergency."

S. B. No. 192, A bill to be entitled "An Act to provide county wide elections in order for the majority of the electorate in certain counties to abolish the office of County Superintendent; providing if an office is abolished the County Judge shall perform the duties thereof; and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act creating a Juvenile Board for Galveston County and designating the members thereof; providing additional compensation for County and District Judges serving thereon; providing the manner of payment thereof; prohibiting, however, the payment of any salary by such County to the District Judges serving on such Board in excess of the salary provided by this Act; providing for the appointment and qualifications of Juvenile and Assistant Juvenile Officers, etc., and declaring an emergency."

S. B. No. 162, A bill to be entitled "An Act amending Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, codified as Article 1970-342, Vernon's Texas Civil Statutes, by changing the name of the Probate Court of Galveston County; conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; providing the organization and procedure of said court; and declaring an emergency."

S. B. No. 146, A bill to be entitled "An Act to amend Articles 2324, Revised Civil Statutes of Texas, 1925, as amended; providing the powers and duties of Official Court Reporters and fixing fees to be paid Official Court Reporters; making other provisions relating thereto; prescribing penalties for overcharges; providing severability clause; and declaring an emergency."

S. C. R. No. 88, Suspending Joint Rules to consider H. B. No. 899 at any time.

S. B. No. 51, A bill to be entitled "An Act to provide for the allocation of professional units to districts reporting increases on the basis of current average daily attendance; providing a repealing and severability clause; and declaring an emergency."

S. B. No. 210, A bill to be entitled "An Act amending Section 8, House Bill 169, Chapter 427, Acts of the 55th Legislature, Regular Session, 1957, providing for contracts in the conduct of research; and declaring an emergency."

S. C. R. No. 80, Providing committee to study problems of Texas Turnpike Authority.

S. C. R. No. 89, Instructing the Engrossing and Enrolling Clerk of the Senate to correct Senate Bill No. 51.

S. J. R. No. 7, Proposing an amendment to Section 51-b of Article III of the Constitution of the State of Texas to provide that the amount paid out of state funds for assistance payments to the totally and permanently disabled may never exceed Two Million Dollars per year.

S. J. R. No. 12, Proposing an amendment to the Constitution so as to provide that state employees may be employed in an advisory capacity or appointed to serve as a consultant or on an advisory committee, and may receive reimbursement of expenses therefor, with other agencies of this State.

S. C. R. No. 59, Providing for an interim joint committee to study all matters pertaining to the development and use of the bays and inlets of the State of Texas.

S. C. R. No. 47, Granting Condon-

Cunningham, Inc., permission to sue the State of Texas.

S. C. R. No. 85, Expressing gratitude to Mr. Walter E. Long and the Texas Legislative Service.

S. C. R. No. 86, Granting House Enrolling Room permission to correct error in House Bill No. 388.

Committee to Notify the Governor

The President announced the appointment of the following as a Committee to notify the Governor that the Senate was ready to adjourn sine die:

Senators Krueger, Gonzalez, and Rogers.

Committee to Notify the House

The President announced the appointment of the following as a committee to notify the House that the Senate is ready to adjourn sine die:

Senators Krueger, Gonzalez and Rogers.

Governor Notified

The committee to notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Krueger for the committee reported that the committee had performed the duty assigned it.

House Notified

The committee to notify the House of Representatives that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Krueger for the committee reported that the committee had performed the duty assigned it.

Senate Notified

A committee from the House of Representatives appeared at the Bar of the Senate and Mr. Jones of Travis for the committee notified the Senate that the House was ready to adjourn sine die.

Adjournment Sine Die

The President announced that the hour for final adjournment of the Regular Session of the Fifty-seventh Legislature had arrived.

Senator Colson moved that the Senate stand adjourned sine die.

The motion prevailed and the President declared the Regular session of the Fifty-seventh Legislature adjourned sine die at 11:59 o'clock p.m.

Welcome Resolutions

S. R. No. 553, By Senator Lane; Extending welcome to Senior Class of New London High School and teachers.

S. R. No. 554, By Senator Colson: Extending welcome to Senior Class of New Waverly High School, and principal.

S. R. No. 555, By Senator Colson: Extending welcome to Mr. and Mrs.

Cleveland Rix, Jr., and son Kenny of Navasota.

S. R. No. 556, By Senators Rogers and Smith: Extending welcome to Mr. Van Cluck of Littlefield.

S. R. No. 558, By Senator Smith: Extending welcome to Seniors of Whitharrell High School and sponsors of Hockley County.

S. R. No. 560, By Senators Rogers and Smith: Extending welcome to Mr. James Crossland et al. of Hale County.

Memorial Resolution

S. R. No. 552, By Senator Aikin: Memorial resolution for the Honorable O. B. Fisher.